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IN RE: DIET DRUG LITIGATION	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY Master Docket No.: BER-L-13379-04
	:	
	:	Civil Action
	:	<b>OPINION</b>

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Decided: December 14, 2004

Marc Bern, Esq., of Napoli, Kaiser, Bern & Associates and Mario D'Angelo, Esq., of Hariton & D'Angelo, appearing on behalf of plaintiffs.

Anita R. Hotchkiss, Esq., and Daniel K. Winters, Esq., of Porzio, Bromberg & Newman, P.C. and Anand Agneshwar, Esq., and Cara Petersen, Esq., of Arnold & Porter, LLP, appearing on behalf of defendant Wyeth Corporation.

**Walsh, J.S.C.**

This matter is before the Court on an application made by the 1,533 plaintiffs<sup>1</sup> represented by Napoli, Kaiser, Bern & Associates, LLP (“the Napoli firm”) for a stay of further eligibility hearings pending resolution of appeals in: *Mary Frost v. Wyeth, Inc., et al*, BER-L-6014-03MT; *Eleanor Smith v. Wyeth, Inc., et al*, BER-L-6025-03MT; *Patricia Stanford v. Wyeth, Inc., et al*, BER-L-6013-03MT; and *Marcia*

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<sup>1</sup> The names and docket numbers of all of these plaintiffs are attached to this Opinion.

*Larmon v. Wyeth, Inc., et al*, BER-L-6012-03MT. Notices of Appeal on these four (4) cases were docketed on August 19, 2004.

The Court found these four (4) plaintiffs were not eligible to opt-out of the federally created settlement class. *Armstrong et al v. Wyeth, Inc.*, (BER-L-7024-03MT) Letter Opinion dated July 22, 2004. *See* Memorandum and Pretrial Order 1415, *In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation, MDL No. 1203* (E.D. Pa. August 28, 2000) (“PTO 1415”) (creation of MDL Settlement Class). The Napoli firm claims that a stay of further eligibility hearings is necessary so as to avoid their clients suffering irreparable injury during the appellate process.

Wyeth Corporation (“Wyeth”) opposes this motion arguing that none of the plaintiffs represented by the Napoli firm, or any other firm for that matter, have suffered any harm, let alone irreparable injury as a result of past or future eligibility hearings. Wyeth claims that the Napoli firm, by this motion, seeks to deny it the protection from meritless suits it bargained for in the Nationwide Class Action Settlement (“CAS”).

For the reasons that follow, the Court finds that the Napoli firm has failed to satisfy the legal minimums necessary for serious consideration of a stay application. Rather, for these same reasons, the grant of a stay would: frustrate the Court’s efforts to effectively manage this mass tort litigation; deny to Wyeth the protection from

meritless suits it sought in entering into the CAS; and, harm the public interest in the prompt and fair resolution of lawsuits brought in the New Jersey courts. Accordingly, the Napoli firm's application for a stay of further eligibility hearings is denied.

## I

Some background is necessary to understand the context of the present motion. Two (2) drugs, both appetite suppressants, fenfluramine – marketed as Pondimin® – and dexfenfluramine – marketed as Redux™, were widely sold in the United States prior to 1997. In 1997, data surfaced suggesting a link between the use of these drugs and valvular heart disease. In July 1997, the United States Food and Drug Administration (“FDA”) issued a public health advisory and in September 1997, American Home Products (“AHP”) (Wyeth's predecessor) removed both drugs from the market.

In the wake of the Pondimin® and Redux™ market withdrawals, some 18,000 individual lawsuits and over 100 putative class actions were filed in the federal and state courts. In December 1997, the Judicial Panel for Multidistrict Litigation transferred all the federal actions to the United States District Court for the Eastern District of Pennsylvania, creating Multidistrict Litigation 1203 (“MDL 1203”). *See In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation*, 282 F.3d 220, 226-227 (3d Cir. 2000).

As a result of discussions between AHP and plaintiffs in the various federal and state actions, a tentative settlement anticipating a nationwide class was reached in November 1999. The proposed class included all persons in the United States, as well as their representatives and dependents, who had taken either or both Pondimin® and Redux™. The global settlement contemplated different kinds of relief, including medical care, medical screening, and payment for a variety of defined injuries, principally injuries to mitral and/or aortic valves of the potential class members. The injuries covered in the settlement and the anticipated payments for them were set out in a matrix (“matrix benefits”). The cost to AHP in order to fund the settlement at the time was estimated to be \$3.75 billion and this figure has significantly increased since then. In August 2000, after a comprehensive notice program and fairness hearing, Judge Louis C. Bechtle of the MDL Court approved the CAS, PTO 1415. The CAS received “Final Judicial Approval” on January 3, 2002, when all appeals were resolved or exhausted.

Under the CAS, certain members who had remained in the class and satisfied specific medical criteria and procedural requirements were given the right to exercise either an intermediate opt-out (“IOO”) or back-end opt-out (“BEOO”), and thereafter bring a lawsuit against Wyeth and others as defined in the CAS.<sup>2</sup>

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<sup>2</sup> Under the CAS, an individual could be diagnosed as FDA Positive after September 30, 1999, only in accordance with the FDA Positive definition in CAS § I.22.b. An IOO could be exercised during the “Screening Period.” CAS § I. 49. A BEOO is permitted if that plaintiff reaches a Matrix Level Condition after September 30, 1999, but before the Matrix Payment Cut-Off Date. CAS § IV.4.a.1.

Section IV.D.3.a of the CAS defines eligibility for IOOs and Section IV.4.a defines eligibility for BEOOs. Both provisions address the medical criteria for exercising opt-outs under the CAS:

**Eligibility:** All Diet Drug Recipients (other than those who have entered into AIO Individual Agreements pursuant to the Accelerated Implementation Option) who are not members of Subclasses 2(a), 2(b) or 3, *and who have been diagnosed by a Qualified Physician<sup>3</sup> as FDA Positive by an Echocardiogram* performed between the commencement of Diet Drug use and the end of the Screening Period, and their associated Representative and/or Derivative Claimants, are eligible to exercise a right to Intermediate Opt-Out....

\* \* \* \*

**Eligibility:** (1) As to Matrix-Level claims based upon valvular regurgitation, all Diet Drug Recipients (other than those who have entered into AIO Individual Agreements pursuant to the Accelerated Implementation Option) *who have been diagnosed by a Qualified Physician as FDA Positive or as having Mild Mitral Regurgitation by an Echocardiogram* performed between the commencement of Diet Drug use and the end of the Screening Period, and who reach a Matrix-Level condition after September 30, 1999, but before the Matrix Payment Cut-Off Date, and their associated Representative and/or Derivative claimants, may exercise a Back-End Opt-Out right, provided that the Class Member has registered or is deemed to have registered for settlement benefits by Date 2....

CAS § IV.D.3.a; CAS § IV.4.a (emphasis added).

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<sup>3</sup> According to the CAS, “Qualified Physician shall mean a Board-Certified or Board-Eligible Cardiologist.” CAS § I.47.

The CAS gives Wyeth the right to contest the eligibility of each plaintiff to make an IOO or BEOO:

If, at any time after a Class Member exercises an Intermediate ... [or Back-End] Opt-Out right, the Class Member initiates a lawsuit seeking to pursue a Settled Claim against AHP or any other Released Party, the Released Party shall have *the right to challenge, in such lawsuit only, whether the opt-out was timely and proper, including whether the Class Member was eligible to exercise such an opt-out right....*

CAS § IV.D.3.c; § IV.D.4.c (emphasis added).

The CAS defines FDA Positive by specifying both the requisite levels of regurgitation for each valve at issue (either aortic or mitral) and the methodologies under which the echocardiograms must be performed.

With respect to a diagnosis based on an Echocardiogram conducted after September 30, 1999, FDA Positive is defined as mild or greater regurgitation of the aortic valve of the heart and/or moderate or greater regurgitation of the mitral valve of the heart *as these levels are defined in Singh (1999) and measured by an echocardiographic examination performed and evaluated by qualified medical personnel following the protocol as outlined in Feigenbaum (1994) or Weyman (1994).*

CAS § I.22.b (citations omitted) (emphasis added).

FDA Positive, as defined, contains two standards: one quantitative and one methodological. First, the quantitative measurements that constitute FDA Positive heart valve regurgitation are as follows:

Aortic Valve – Mild or greater regurgitation, defined as regurgitant jet diameter in the parasternal long-axis view (or in the apical long-axis view, if the parasternal long-axis view is unavailable), equal to or greater than ten percent (10%) of the outflow tract diameter (JH/LVOTH).

Mitral-Valve – Moderate or greater regurgitation, defined as regurgitant jet area in any apical view equal to or greater than twenty percent (20%) of the left atrial area (RJA/LAA).

CAS § I.22.b.

The CAS requires that specific criteria be used in determining whether these levels of valvular regurgitation are present. They are contained in J.P. Singh, et al. *Prevalence and Clinical Determinants of Mitral, Tricuspid, and Aortic Regurgitation (The Framingham Heart Study)*, 83 Am J. Cardiology 897, 898 (1999) (“Singh”).

Second, the CAS specifies that to meet the FDA Positive standard, the echocardiograms be performed and evaluated by “qualified medical personnel” in accordance with the methodology set forth in two (2) referenced texts - Harvey Feigenbaum, **ECHOCARDIOGRAPHY** (5<sup>th</sup> Ed. 1994) (“Feigenbaum Text”) and Arthur Weyman, **PRINCIPLES AND PRACTICES OF ECHOCARDIOGRAPHY** (2d Ed. 1994) (“Weyman Text”).

## II

### A.

One also has to understand the underlying medical conditions claimed by these plaintiffs and the tools used to detect and treat those conditions to appreciate the issues implicated in these opt-out decisions and Wyeth's challenges to them. Mild aortic and moderate mitral regurgitation are the two (2) medical conditions that permit either an IOO or BEOO. These conditions involve the backward or reverse flow of blood through defective valves during the heart's pumping cycle.

The heart consists of four (4) chambers: the right atrium, the right ventricle, the left atrium and the left ventricle. The right atrium receives deoxygenated blood from the body and ejects that blood into the right ventricle through the tricuspid valve; the right ventricle then pumps that blood across the lungs through the pulmonic or pulmonary valve for oxygenation. The oxygenated blood, in turn, is received by the left atrium, which ejects blood into the left ventricle through the mitral valve. The left ventricle then pumps that oxygenated blood into the aorta through the aortic valve, and from there to the rest of the body. The heart chambers are connected by valves that open to allow blood to pass through and then close to prevent significant backflow. This process ensures the proper directional flow of blood through the heart.

The chambers of the heart fill and empty in a two-phase cardiac cycle that comprises diastole - - the filling cycle, and systole - - the emptying cycle. For our



purposes, we are concerned with the active contraction of the left ventricle and pumping of blood into the aorta through the open aortic valve during systole. Throughout this phase the mitral valve is closed to prevent backward flow or regurgitation from the left ventricle into the left atrium. We are also interested in the other phase of the cardiac cycle -- diastole -- which occurs when blood enters the left ventricle through the open mitral valve. During this phase the aortic valve is closed to prevent leakage or regurgitation from the aorta back into the left ventricle.

Healthy heart valves rarely prevent all regurgitation. When these valves are closed there may be a minimal amount of leakage -- trace regurgitation. Moreover, during routine valve closure, blood caught between the valve leaflets is displaced backward resulting in some blood backflow. This backward displacement of blood is considered part of the closing process, and is not regurgitation. According to Weyman, “true” mitral regurgitation “should last throughout most or all of systole.” Weyman Text at 429. A brief or non-sustained jet of mitral regurgitation is an indication that the regurgitation is usually less than mild. The same source teaches that “true” aortic regurgitation should continue “throughout diastole.” *Id.* at 529. Aortic regurgitation that is brief or non-sustained is usually less than mild.

Normally blood flows at a uniform velocity in a forward direction. This normal blood flow is laminar. Regurgitant flow, on the other hand, produces a jet of mixed

velocities which is turbulent. It is this turbulent flow which is one of the focuses of echocardiography.

According to Singh, the degree of valvular regurgitation or valvular insufficiency is classified as trace, mild, moderate, or severe. Trace aortic regurgitation and trace and mild mitral regurgitation are common in the general population and are considered normal findings. Singh at 900.

## **B.**

Echocardiography is a principal technique used to evaluate the heart, including its function, structure and the flow of blood through it. The underlying principle involved in echocardiography is the use of high frequency sound waves. A transducer is placed on the patient's chest wall which emits sound waves that bounce off of the heart's structures, and that information is translated into moving images of those structures on a screen. There are several different techniques available in echocardiography. The technique relevant here is Doppler echocardiography. "Doppler echocardiography is based on the change in frequency of a sound wave that occurs when it strikes a moving target – in this case the red blood cells." Weyman Text at 143.

Color flow Doppler is used to display the movement of blood flow through the heart by assigning different colors depending upon the direction and velocity of the blood flow. By convention, laminar blood flowing towards the transducer is depicted

in shades of red, and laminar blood flowing away from the transducer is depicted in shades of blue; darker shades indicating slower velocity and lighter shades higher velocity. *See* Feigenbaum Text at 33. Turbulent blood flow is depicted in a “mosaic,” multi-colored pattern, thus displaying the different velocities and directions of the blood in the area under study. The absence of blood flow is depicted by black on color flow Doppler. Thus, in Doppler echocardiography blood flow is represented as discrete color areas (jets) in real time, superimposed on two-dimensional images of the heart’s structure.

The quality of an echocardiogram depends on a number of factors including: the patient’s body; the technical skill of the physician or sonographer performing the study; the equipment used and its settings; and, the physician’s interpretation and measurements. The proper performance of an echocardiogram in the cases before this Court must follow the guidelines set forth in the Weyman and Feigenbaum Texts.

Settings on the echocardiographic equipment can have a substantial impact on the quality of the images and the accuracy of the recordings. Two (2) key settings on the equipment are referred to as the Nyquist limit and gain setting. The Nyquist limit establishes the maximum velocity of laminar blood flow that can be detected in a monochromatic fashion (solid color).<sup>4</sup> When the velocity of the blood flow exceeds

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<sup>4</sup> As the Feigenbaum Text at 29 notes: “The major disadvantages of pulsed Doppler is that the velocity one can measure is limited. The pulsed system inherently has a pulsed repetition frequency or PRF. The PRF determines how high a Doppler frequency the pulse system can detect.... The inability of a pulsed Doppler system to detect high-frequency Doppler shifts is known as “aliasing.” The upper limit of frequency that can be detected with a given pulsed system is

the pre-set Nyquist limit the color depicting the blood flow “wraps around” so that if the flow is laminar it appears to be flowing in the opposite direction. Turbulent blood flow in such circumstances appears as a “mosaic,” multi-colored pattern. If the Nyquist limit is set too low, the velocity of normal blood flow may exceed a low Nyquist setting and will appear as turbulent regurgitation, even though it is actually normal non-regurgitant flow. Additionally, when the Nyquist limit is set too low it will exaggerate the degree of any regurgitation present by including normal blood flow velocity in the turbulent regurgitant jet area. Virtually all the experts who testified here agree that a higher Nyquist limit generally leads to a more reliable echocardiogram. A recent consensus report by the American Society of Echocardiography stressed the importance of an appropriate Nyquist limit.

Numerous technical, physiologic and anatomic factors affect the size of the regurgitant area and therefore alter its accuracy as an index of regurgitation severity. Jet size is affected by instrument factors, especially pulse repetition frequency (PRF) and color gain. Standard technique is to use a Nyquist limit (aliasing velocity) of 50/60 cm/sec, and a color gain that just eliminates random color speckle from non-moving regions. Jet area is inversely proportional to PRF, and *substantial error can be introduced with use of higher or lower settings* than the nominal settings to which echocardiographers have become accustomed.

*ASE Standards at 777-778 (emphasis added).*

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known as the “Nyquist” limit or number. This limit is defined as one half the pulse repetition frequency” or PRF. See Miele Certification at ¶¶ 16, 17, 31 and 32.

A color Doppler gain setting is another important variable in the echocardiographic system. If the gain on echocardiographic equipment is set too high, the image may be artificially increased and may also present “background noise” or “speckling,” seriously degrading the quality of the echocardiogram and making it difficult to assess true regurgitation. Weyman Text at 240-241 and 258. As Weyman teaches, the “detection of the Doppler frequency shift is critically dependent on the signal/noise ratio, and every effort must be made to maximize this relationship.”

Weyman Text at 256. To do so, Weyman suggests that:

Ideally, as in imaging studies, one begins with a high gain setting to be sure that all of the signal present is appreciated. The gain is then gradually decreased to a point where the signal is optimally displayed and the associated noise and mirroring artifacts ... are at a minimum.

Weyman Text at 258.

Another important technical aspect of echocardiographic acquisition relates to the angle the transducer is placed relative to the heart when images are recorded. If those images are not acquired in the appropriate angle or plane, the amount of regurgitation and the sizes of the chambers of the heart may appear larger or smaller than they really are. Again, Weyman teaches that “doppler frequency shifts are maximal when the sound beam is parallel to the flow vector (i.e., aligned parallel to the path of blood flow in the vessel of interest).... The Doppler beam, therefore, is ideally aligned parallel, rather than perpendicular, to flow because larger frequency

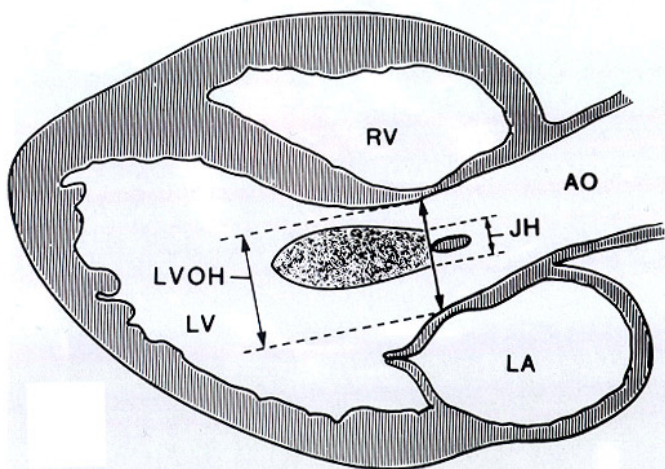
shifts are easier to detect and the output is less subject to random fluctuation.”

Weyman Text at 256.

FDA Positive heart valve regurgitation involving the aortic valve requires that two (2) measurements be made: (1) the height of the jet of aortic regurgitation (“JH”); and (2) the height of the left ventricular outflow tract (“LVOT”).<sup>5</sup> The JH measurement is the linear width of the jet of aortic regurgitation as it leaks backward into the left ventricle. Feigenbaum tells us that this measurement must be made as close as possible to the point of origin of that jet on the ventricular side of the aortic valve. Feigenbaum Text at 283. Otherwise, the measurement will be exaggerated by the spray or “nozzle effect” that occurs when high velocity liquid (regurgitant blood)

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<sup>5</sup> The same diagram illustrating how this measurement is actually made is displayed in the Feigenbaum Text at 285, Fig. 6-101, and the Weyman Text at 534. The illustration as it appears in Weyman is reproduced below.



**Fig. 19-61.** The measurement of regurgitant jet height. Regurgitant jet height (JH) is measured at the aortic valve level in the parasternal long axis view. AO = aorta; LA = left atrium; LV = left ventricle; LVOH = left ventricular outflow tract height; RV = right ventricle. (From Perry GJ, et al.; Evaluation of aortic insufficiency by Doppler color flow mapping. J Am Coll Cardiol 9:952, 1987. Reprinted with permission from the American College of Cardiology.

is ejected through a narrow orifice into a lower pressure chamber (the left ventricle in diastole). *Id.* at 283. The LVOT is the region of the left ventricle below the aortic valve. These two (2) measurements are then expressed as a ratio, JH/LVOT. Current technology utilizes digitally calibrated calipers or cursors, which can measure the linear width of the JH and LVOT on a frozen frame or image using a digitally calibrated caliper or cursor, from commercially available software packages.

The definition of FDA Positive mitral regurgitation also requires two (2) measurements to be made: (1) the regurgitant jet area, or “RJA”; and (2) the left atrial area, or “LAA.” Unlike the linear width measurements made of the JH and LVOT, the RJA and LAA are area measurements. Again these measurements are expressed as a ratio, RJA/LAA, in assessing the degree of mitral regurgitation. These measurements of the RJA and LAA can be done while the sonographer is acquiring the study, or off-line, and are referred to as tracings or planimetry when using the technology just described.

### III

The New Jersey Supreme Court anticipated that a significant number of class members might initiate either an IOO or BEOO and would thereafter seek redress against Wyeth in the New Jersey courts. Consequently, on July 17, 2003, the Supreme Court centralized the management of all pending and future statewide litigation involving the diet drugs Pondimin® and Redux™, and transferred those

matters for case management and discovery purposes to the Bergen Vicinage, to be handled by this Court. Over 5,800 plaintiffs exercised IOOs and BEOOs and began lawsuits in the New Jersey courts by the cut-off date of May 2004. Almost 5,300 cases remain as of the date of this Opinion.

The Court entered Case Management Order (“CMO”) 1 shortly after the Chief Justice’s Order, scheduling an organizational meeting on September 8, 2003. The first Case Management Conference (“CMC”) was held that day. During the course of the CMC, Wyeth asserted it had the right to challenge both the qualifications of any physician interpreting the echocardiogram supporting the opt-out, as well as whether the echocardiogram was FDA Positive. Plaintiffs, on the other hand, claimed that, under the CAS, Wyeth should only be able to challenge whether a qualified physician, in fact, diagnosed each plaintiff as FDA Positive during the respective time periods set out in the CAS. They further claimed that Wyeth had the burden to establish by a preponderance of the evidence that the challenged physician was unqualified.

During this CMC and succeeding ones, the Court determined that the several thousand cases then before the Court would be broken into sub-groups for more effective case management. The Court’s intent was to create sub-groups, each of approximately 300 cases, which would be managed through discovery and trial on a staged basis. There are now twenty (20) such groups.



The Court promptly set a schedule for any challenges of IOOs or BEOOs which Wyeth intended to make. All cases filed before the Court by September 29, 2003 were designated as Group 1 cases. According to CMO 2, Wyeth was to be provided with the echocardiogram reports and the echocardiogram videotapes or discs supporting each plaintiff's opt-out by October 30, 2003. Wyeth was permitted to challenge the right of any IOO or BEOO to opt-out by motion which had to be filed by January 13, 2004. The affected plaintiffs were then permitted to respond by February 12, 2004 with replies by Wyeth to be filed and served within fifteen (15) days after that.

The Court held oral argument on the structure of the challenge process on March 22, 2004. One of the issues discussed during the argument was what rights the parties might have on appeal if dissatisfied with the Court's decision and whether such an appeal should be directed to the Federal Judge supervising MDL 1203 or the Appellate Division. This Court made it clear that it intended to address the framework for the challenge process and encouraged any parties dissatisfied with its decision to take an appeal:

JUDGE WALSH: No, I'm not going to decide any factual issues today. What I'm going to do at the end of this is I'm going to write an opinion. It's going to, basically, set out the framework for how all of these intermediate and back end challenges will be able to be exercised, and then, you know, you folks can take it to any court, if that's what you choose to do, that you think you can.

The Court rendered its Opinion regarding the challenge structure on April 13, 2004. *In Re: Diet Drug Litigation*, BER-L-7718-03 (Law Division April 13, 2004) (“*Eligibility Standards Opinion*”) (slip op. 42 pages). It found that Wyeth could challenge each plaintiff’s IOO or BEOO. But to do so, Wyeth would have to show that the performance and/or evaluation of the echocardiogram supporting each challenged opt-out was “medically unreasonable.” Stated another way, Wyeth could disqualify an opt-out if it could show that the expert’s conclusions respecting the echocardiogram supporting the opt-out could not reliably flow from the facts known to the expert and the methodology used.

In adopting this procedure, the Court rejected the more “mechanical” construction of the CAS advocated by plaintiffs -- that, although Wyeth may challenge issues related to the timing of a plaintiff’s qualifying echocardiogram or the qualifications of the technician or physician performing or interpreting that echocardiogram, it may not challenge a plaintiff’s FDA-positive diagnosis as a threshold matter. The Court concluded that this interpretation of the CAS would “place[] a huge financial burden on Wyeth for apparently no gain,” and recognized that “[i]t is inconceivable that Wyeth would have insisted on the right to challenge the IOOs and BEOOs, and at the same time would be satisfied with the mechanical gatekeeping suggested by plaintiffs.” *Eligibility Standards Opinion* (slip op. at 20). A more substantive eligibility challenge procedure, the Court found, was consistent with

the views of both the federal MDL judge charged with administering the CAS and class counsel responsible for negotiating the CAS on plaintiffs' behalf. *Id.* at 22-25.

Having already begun the process of organizing the thousands of cases in New Jersey diet drug litigation into discovery groups of roughly 300 plaintiffs each, the Court ruled that Wyeth could proceed to file eligibility challenges as to individual opt-out cases on a group-by-group basis. *Id.* at 42; CMO Nos. 2, 3 and 4. It anticipated that Wyeth would produce expert affidavits supporting its challenges and that plaintiffs would submit expert affidavits in opposition. *Eligibility Standards Opinion* (slip op. at 42; CMO Nos. 2, 3 and 4). To save time and resources, the Court directed that these expert affidavits would serve as the experts' direct testimony; the Court would hold an evidentiary hearing on eligibility but that hearing would involve only cross-examination and any necessary follow-up. *Eligibility Standards Opinion* at 41-42. Additionally, to assist its threshold eligibility review, the Court decided to appoint independent experts to review the challenged echocardiograms, review the parties' supporting and opposing expert reports, and submit their own reports in each challenged case. *Id.* at 41. At the eligibility hearing, the parties would have the opportunity to question these independent experts as well. *Id.* at 42.

The cost to plaintiffs for this eligibility process would be minimized in a number of ways. For example, Wyeth would bear the burden of proof on the eligibility issue, *Eligibility Standards Opinion* at 3-4, and although the Court imposed

the costs of these experts on both parties, Wyeth ultimately agreed to bear 100% of the cost of the independent experts. To further reduce the burden on plaintiffs, the Court postponed deposition discovery in any case in which Wyeth challenged opt-out eligibility until the challenges were resolved. *See* CMO No. 4, ¶5.

The methodology to be employed in these eligibility hearings, of course, was not in dispute. It was described in detail in the CAS and, the methodology is taken from two (2) of the reference texts in the field of echocardiography already identified, the Weyman Text and the Feigenbaum Text. The methodological soundness of the medical criteria for the diagnosis of valvular disease obviously was not in dispute either. It was stipulated in the CAS.

Here, however, reliability was to mean more than the basic soundness of the methodology employed. It also required that the expert's testimony follow the criteria so as to assist the trier of fact. *Eligibility Standards Opinion* (slip op. at 32-33). As a federal court recently addressing this broader question of reliability noted:

Admissibility thus depends in part upon “the proffered connection between the scientific research or test result to be presented and particular disputed factual issues in the case. This standard is not intended to be a high one, nor is it to be applied in a manner that requires the plaintiffs to prove their case twice – they do not have to demonstrate to the judge by a preponderance of the evidence that the assessments of their experts are correct, they only have to demonstrate by a preponderance of evidence that their opinions are reliable. This is a very important distinction. The test of admissibility is not whether a particular scientific opinion has the best foundation or whether it is

demonstrably correct. Rather, the test is whether the particular opinion is based on valid reasoning and reliable methodology. The analysis of the conclusions themselves is for the trier of fact when the expert is subjected to cross-examination.

*Nonetheless, conclusions and methodology are not entirely distinct from one another. A court must examine the expert's conclusions in order to determine whether they could reliably flow from the facts known to the expert and the methodology used.*

*Oddi v. Ford Motor Co.*, 234 F.3d 136, 145-146 (3d Cir. 2002) (emphasis added) (citations omitted).

Thus, it had to be determined whether the diagnosing cardiologist and/or technician, acting reasonably, created a reliable echocardiogram upon which an opinion could be based. *Eligibility Standards Opinion* (slip op. at 3). Interreader variability, the equipment used and a host of other factors might lead to differing interpretations from those of the diagnosing cardiologist. But the object of the procedure to be followed here was not to “second guess” the contested diagnosis but rather to determine if it was reliable enough to be acceptable using the standards and bench marks set out in Singh and the Weyman and Feigenbaum Texts. *Id.* at 35. In other words, the inquiry was not the correctness of, nor necessarily agreement with, the medical diagnosis, as long as the diagnostic interpretation at issue could reasonably have been reached using the methods and criteria set out in the CAS. *Id.* at 21. Doubts were to be resolved in favor of the reliability of the echocardiogram.

As noted, the Court determined that experts in the field of cardiology would assist it in the upcoming eligibility hearings. After soliciting the views of the parties, the Court appointed three (3) such experts and provided them with the same data available to experts retained by the plaintiffs and Wyeth. After giving these experts a short review period, the Court conducted an evidentiary hearing which began on June 21, 2004 and continued for five (5) days. Initially, Wyeth challenged 53 of the 183 plaintiffs in Group 1. By the close of the hearing, the bulk of the plaintiffs had withdrawn after being challenged. In a few instances, Wyeth had withdrawn its challenges. After these actions, the Court was left to decide ten (10) cases.

In a July 22, 2004 Letter Opinion, the Court concluded that Wyeth had satisfied that the FDA Positive diagnoses made for six (6) of these plaintiffs, including four (4) clients of the Napoli firm, were medically unreasonable. The Court directed that these six (6) plaintiffs' complaints be dismissed with prejudice. Plaintiffs' liaison counsel clearly understood the significance of the July 22, 2004 Letter Opinion and also understood that the Court intended to entertain Wyeth's eligibility challenges with respect to the remaining nineteen (19) groups. Several dates for these eligibility challenges already had been established in succeeding CMOs. As of the date of this Opinion, eligibility challenges and response dates have been set in 13 of the 20 groups. These dates are scheduled through October 2005.

Plaintiffs' liaison counsel requested the Court stay further proceedings pending resolution of the appeals which, as noted, were filed on August 19, 2004. The Court declined to do so but did suggest that plaintiffs seek an expedited appeal. It also indicated that it would sign an Order denying such a stay clearing the way for an application to the Appellate Division. The plaintiffs adopted neither course.

The Court conducted an evidentiary hearing beginning on August 23, 2004 and concluding on September 8, 2004 on Wyeth's challenges to Group 2 plaintiffs. This time, Wyeth challenged 73 plaintiffs, about 24% of the total Group 2 plaintiffs.<sup>6</sup> By the close of the hearing, the bulk of the plaintiffs again withdrew their claims after being challenged. In a few instances, Wyeth withdrew its challenges. After these actions, the Court was left to decide seven (7) cases.

In a September 22, 2004 Letter Opinion, the Court concluded that Wyeth had satisfied it that the FDA Positive diagnoses made for six (6) of these plaintiffs, including three (3) clients of the Napoli firm, were medically unreasonable. The Court directed that these six (6) plaintiffs' complaints be dismissed with prejudice. Shortly before the September 22, 2004 Letter Opinion was prepared, but after the close of the Group 2 eligibility hearings, plaintiffs' liaison counsel, on September 10, 2004, again raised the issue of a stay and the Court addressed it.

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<sup>6</sup> Because of discovery defoliations and other reasons, the number of Group 2 plaintiffs, initially well over 300, by August 2004 had fallen to 303 plaintiffs.

MS. BEREZOFSKY: But my understanding is that your Honor offered to write an opinion or issue an order rejecting or denying a request for a stay of the eligibility hearings pending any appeal.

JUDGE WALSH: Yes.

MS. BEREZOFSKY: And so simply the question that we have on the agenda is simply whether we need -- whether plaintiffs need to file a motion, a formal motion, or would a letter motion be sufficient?

JUDGE WALSH: To who?

MS. BEREZOFSKY: To the Court to trigger such an opinion and order.

JUDGE WALSH: .... First of all, I don't even know whether you're stating it correctly, but to the extent that you are, I will sign any order denying a stay.... [W]hen people ask for a stay, the judge indicates whether the judge intends to grant the stay or not. That stay was sought a month ago. I denied it as quickly as the words came from my lips. Why? Because I'm quite comfortable that the decisions that I made are supported by the law. On the other hand, you have a perfect right to challenge them. You could have challenged the initial proceeding in interlocutory fashion. You could have and did challenge the dismissals of some of the plaintiffs when they were final orders.

If you want to make an application -- remake an application for a stay, I will deny it just as quickly and if you give me an order to that effect, I will sign it forthwith. That has always been understood....

The plaintiffs took no immediate action on this issue.

The Court conducted an evidentiary hearing beginning on November 16, 2004 and concluding on November 22, 2004 as to Wyeth's challenges to the Group 3 plaintiffs. This time, Wyeth challenged 200 of the 283 Group 3 plaintiffs, or 71% of them. By the close of the hearing, the bulk of the plaintiffs again withdrew their



claims after being challenged. In a few instances, Wyeth withdrew its challenges. After these actions, the Court was left to decide 49 cases.

In a December 9, 2004 Letter Opinion, the Court concluded that Wyeth had satisfied it that the FDA Positive diagnoses made for 43 of these plaintiffs, including 25 clients of the Napoli firm, were medically unreasonable. The Court directed that these 43 plaintiffs' complaints be dismissed with prejudice.

These determinations were hardly surprising. During the eligibility hearings, the experts appointed by the Court advised it that in over 43% of the 49 cases under review, the echocardiograms were found to be so technically deficient that no meaningful medical conclusions could be drawn from them. These same experts opined in an astounding 89.8% of these cases that the plaintiffs' experts reached medically unreasonable conclusions.

#### IV

On November 9, 2004, the Napoli firm moved to stay future eligibility hearings pending the resolution of the appeals filed by the Napoli firm on behalf of its four (4) Group 1 clients: Mary Frost, Eleanor Smith, Patricia Stanford and Monica Larson. In the words of the Napoli firm, continuation of these eligibility hearings seriously burdened that firm:

The process of preparing for the eligibility hearings includes copying the echocardiograms and forwarding them to the reviewing doctor for confirmation of his prior evaluation and an affidavit supporting that evaluation as

his/her direct testimony in the hearing. The process of preparing all of these papers is extremely time consuming. In addition to this, some of the same doctors testifying in Group 3 are simultaneously being asked to review cases for Group 4. This request is extremely burdensome to these practicing physicians who are already devoting a significant portion of their time to assist our clients, taking them away from their clinical practices. As a result of all of the foregoing, including the preparation for and support of the ongoing Group 3 hearing, the firm has increased its attorney workforce, devoting their time, as well as that of two more senior attorneys, two nurse-paralegals, an additional paralegal and two additional information systems employees working on these cases.

Napoli Brief dated November 9, 2004 at 3.

The records in the Bergen Vicinage Civil Case Manager's office indicate that 297 cases are assigned to Group 4 and Wyeth has challenged 196 of those cases. Of the 196 cases, approximately 78% (152 of the 196 eligibility challenges) involve clients of the Napoli firm.<sup>7</sup>

The Napoli firm worries that Associates in Cardiology, a cardiology group located in Chicago, Illinois, which apparently did the so-called qualifying echocardiogram in 32 Group 4 cases, is threatening not to participate in the Group 4 litigation process.<sup>8</sup> The Napoli firm claims that should this event occur, "the plaintiffs

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<sup>7</sup> It bears mentioning that in 1,533 cases, the Napoli firm represents that plaintiff or plaintiffs. The Napoli firm presently represents approximately twenty-nine percent (29%) of the Diet Drug Litigation cases. The Napoli firm represents substantially more plaintiffs than any other law firm.

<sup>8</sup> The Court must note that other than in the Napoli Brief it has not received any substantiated information that these cardiologists would abandon their patients. Of course, should this be brought to the attention of the Court, the Court could, and likely would, move these plaintiffs to a later challenged Group. This would give these plaintiffs and the Napoli firm time to replace these experts. Moreover, it would appear that should these cardiologists actually carry out

may be forced to drop their opposition to these challenges regardless of the merit of their claims.” Napoli Brief at 4.

The Napoli firm also claimed that the costs of these eligibility hearings were extraordinarily high. The Napoli firm constructed a cost and time expense model which suggested unusually high transactional costs. The Napoli firm even takes time to express concern for Wyeth whose “costs must be even greater ... because Wyeth bears the additional burden of paying for the independent experts.” Napoli Brief at 4.

Wyeth opposed this stay motion which the Court heard on short notice. Wyeth did not believe the eligibility hearings imposed the great burden claimed by the Napoli firm. Instead, it saw this procedure as a successful winnowing tool which allowed plaintiffs challenged by Wyeth to seriously consider the merits of the challenge and in many cases abandon their opposition when they viewed the challenges as likely to succeed. Wyeth, in this regard, observed:

Since implementing this procedure, the Court has heard and ruled upon Wyeth’s challenges to the opt-out eligibility of plaintiffs in discovery Groups 1 and 2. Wyeth also has submitted challenges related to plaintiffs in discovery Groups 3 and 4, and hearings on Wyeth’s Group 3 challenges currently are underway. The Court has taken great pains to establish a schedule for eligibility challenges, oppositions, replies and hearings alongside its schedule for pre-trial discovery and trials in the more than 5400 cases pending in the New Jersey diet drug litigation.

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their reported threat, these physicians would be potentially liable under *Spaulding v. Hussein*, 229 N.J. Super. 430 (App. Div. 1988).

To date, the New Jersey eligibility procedure has shown tremendous promise as a catalyst for winnowing out ineligible opt-out claims. Most impressive, however, is that the Court's eligibility challenge procedure has had its greatest effect even before the Court becomes involved in adjudicating the challenges, at a point when the parties have invested minimal time and effort. Plaintiffs, forced upon receipt of a challenge to evaluate independently their eligibility to opt-out, frequently agree to dismiss these claims before undertaking any significant preparation either for an eligibility hearing or, more significantly, for a trial.

The experience of Group 2, the first group of comparable size to the subsequently formed discovery groups, is illustrative.\* In that group, originally comprised of 303 cases, Wyeth challenged 72 cases as ineligible.... Plaintiffs dismissed, in whole or in part, approximately 62 of those cases -- **86%** -- without a full hearing and, in most cases, prior even to filing opposition papers.... A similar pattern emerged in Group 3, originally comprised of 283 cases. There, plaintiffs dismissed in whole or in part 128 of the 200 cases Wyeth challenged (64%) without a full hearing.... All indications are that plaintiffs will continue this practice of unilaterally reviewing and dismissing the majority of their challenged claims in future groups as well.... Additionally, of those challenges that have remained for the Court to adjudicate -- a total of 17 cases in Groups 1 and 2 -- the Court, after hearing evidence and testimony from a number of experts, dismissed 12 -- **71%** - - as ineligible....

Brief in Opposition to Motion to Stay Eligibility Hearings dated November 15, 2004,  
at 5-6.

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\* Group 1 was originally comprised of only 182 cases. In any event, statistics concerning Group 1 challenges are difficult to assess due to the widespread, post-challenge movement of cases from that group into later discovery groups. (Peterson Cert. ¶ 5).

## V

The Court heard the Napoli firm's motion for stay on November 17, 2004. It observed on the record that the Napoli firm had shown little to justify the sprawling stay it sought. Because no plaintiff would be required to abandon his or her claim with prejudice and those who proceeded to a hearing, of course, could appeal an adverse ruling, it was difficult to see how any plaintiff suffered irreparable injury. Rather, the balance of the equities seemed to tilt in Wyeth's favor, since postponement of these hearings would require discovery to proceed against it in cases this Court might have found were improper in the first place. Finally, the Court found the public interest in swift disposition of cases would be postponed for little or no gain to the public.<sup>9</sup>

The results of the Group 3 plaintiffs are roughly equivalent to the earlier results. Of the 49 plaintiffs challenged, the Court found Wyeth's challenge had merit in 43 of these cases, or approximately 85% of them. Considering Group 1 through Group 3, the Court has agreed with Wyeth's claim that the opt-out was not supported by reasonable medical evidence in 83% of the cases. Of course, the Court believes the standards set out in the *Eligibility Standards Opinion* are correct. Hence, there is no reasonable probability that the plaintiffs will succeed on the merits at the appellate level. The Court's statements on the record of November 17, 2004 would normally

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<sup>9</sup> Wyeth at the outset agreed that it would waive the statute of limitations as it had in the CAS and that any plaintiff abandoning his or her claim could reassert it if the New Jersey appellate courts disagreed with the *Eligibility Standards Opinion*.

suffice as reasons for the denying of a stay here. But these eligibility hearings are such an important and necessary part of the case management in this massive tort action, the Court should express its reasons for denying a stay in a more formal way and, thus, this Opinion is in order.

Our appellate courts have recognized that because the trial court generally has the best perspective with respect to ongoing litigation, “the granting of a stay is discretionary with the trial court, limited only by special equities showing abuse of discretion in that injustice would be perpetrated on the one seeking the stay, and no hardship, prejudice or inconvenience would result to the one against whom it is sought.” *Gosschalk v. Gosschalk*, 48 N.J. Super. 566, 579 (App. Div.), *aff’d*, 28 N.J. 73 (1958). That reasoning has been extended to other, subsequently filed litigation involving substantially the same matters. *Lumbermens Mutual Casualty Company v. Carriere*, 163 N.J. Super. 7, (App. Div. 1978); *Allstate Ins. Co. v. Lopez*, 311 N.J. Super. 660 (Law Div. 1998).

The decision whether to grant a stay depends upon the particular equities of the matter and necessarily involves a balancing. Generally, the relative equities are measured by the same standards utilized in the granting of a preliminary injunction: the movant must demonstrate that: (1) irreparable harm will result from enforcement of the judgment pending appeal; (2) the appellant has a likelihood of success on the merits of the appeal; and (3) greater harm would occur to the parties if the stay was

not granted than if it was granted. *McNeil v. The Legislative Appointment Commission of the State of New Jersey*, 176 N.J. 484 (2003); *Avila v. Retailers & Manufacturers*, 355 N.J. Super. 350, 354 (App. Div. 2002).

The federal courts use virtually the same formulation.<sup>10</sup> In *Republic of the Philippines v. Westinghouse Elec. Corp.*, 949 F.2d 653, 658 (3<sup>rd</sup> Cir. 1991), the Third Circuit articulated the four (4) factors as follows:

(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the

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<sup>10</sup> A slightly different formulation of the test for granting a stay exists in the District of Columbia District and the Second Circuit. In *Washington Metropolitan Area Transit Comm. v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977), for example, the District of Columbia Circuit found that the reasonable likelihood of success, while the most significant constituent, could vary in importance based on its evaluation of the other three (3) criteria.

These factors are by now familiar to both the bench and bar in this Circuit.

(1) Has the petitioner made a strong showing that it is likely to prevail on the merits of its appeal? Without such a substantial indication of probable success, there would be no justification for the court's intrusion into the ordinary process of administration and judicial review. (2) Has the petitioner shown that without such relief, it will be irreparably injured? ... (3) Would the issuance of a stay substantially harm other parties interested in the proceedings? ... (4) Where lies the public interest?

\* \* \* \*

In light of the unnecessarily harsh results sometimes engendered by this approach, we decline to entertain this assumption. Instead, we hold that under *Virginia Petroleum Jobbers* a court, when confronted with a case in which the other three factors strongly favor interim relief may exercise its discretion to grant a stay if the movant has made a substantial case on the merits. The court is not required to find that ultimate success by a movant is a mathematical probability, and indeed, as in this case, may grant a stay even though its own approach may be contrary to movant's view of the merits. The necessary "level" or "degree" of possibility of success will vary according to the court's assessment of the other factors.

\* \* \* \*

To justify a temporary injunction it is not necessary that the plaintiff's right to a final decision, after a trial, be absolutely certain, wholly without doubt; if the other elements are present (i.e., the balance of hardships tips decidedly toward plaintiff), it will ordinarily be enough that the plaintiff has raised questions going to the merits so serious, substantial, difficult and doubtful, as to make them a fair ground for litigation and thus for more deliberative investigation.  
(Citations omitted.)

Even using this flexible standard, the plaintiffs do not make a convincing case for a stay.

applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.

*See also Grutter v. Bollinger*, 247 F.3d 631 (6<sup>th</sup> Cir. 2001).

Considering the four (4) factors as articulated by the Third Circuit in the order reported, this Court believes that the plaintiffs have demonstrated little likelihood of succeeding on the merits. The Court has articulated its reasons for the eligibility hearing procedure in its *Eligibility Standards Opinion* of April 13, 2004 and will let that decision speak for itself. As to the implementation of the *Eligibility Standards Opinion*, the Court has made detailed findings with respect to Group 1, 2 and 3 challenges and will let those decisions speak for themselves as well. *See Armstrong et al v. Wyeth, Inc.*, (BER-L-7024-03MT); *Comparato et al v. Wyeth, Inc.*, (BER-L-332-04) Letter Opinion dated September 22, 2004, slip op. 35 pages, Letter Opinion dated August 4, 2004, slip op. 32 pages. *Andrade et al v. Wyeth, Inc.*, (BER-L-13379-04 MT), Letter Opinion dated December 9, 2004, slip op. 122 pages.

An essential requirement for the grant of a stay is the demonstration of irreparable injury. As the New Jersey Supreme Court noted in *Crowe v. DeGioia*, 90 N.J. 126, 132-133 (1982):

Harm is generally considered irreparable in equity if it cannot be redressed adequately by monetary damages. In certain circumstances, severe personal inconvenience can constitute irreparable injury justifying issuance of injunctive relief.



Turning to this question, the Court is convinced that none of the plaintiffs, and not even the Napoli firm, has shown such an injury. The plaintiffs suffer little or no harm if a stay is not granted. Of course, they will suffer the injuries associated with a potentially incorrect decision. But in this respect, they are no different than any litigant saddled with an erroneous ruling.

The Napoli firm, no doubt, can claim some increase in its expenses because it has been and will continue to be forced to defend against Wyeth's eligibility challenges. It claims particular hardship here because of the large number of challenges made in Group 4 to clients the Napoli firm represents. There are several responses to this complaint. First, the Court was willing to consider the number of plaintiffs in any Group represented by a particular law firm. This very consideration led to Group 3 being reconfigured to lower the number of plaintiffs represented by a single firm being placed in that Group. The Napoli firm represents by far the largest number of plaintiffs. For the Court to give this argument any credit, it would have to assume the Napoli firm had little or no influence with its counsel colleagues speaking as the liaison counsel. The Court is unwilling to do that.

Second, the Napoli firm knew at the outset that because it represented a substantial number of plaintiffs in that Group, it would face numerous challenges. It could have, and should have, sought an expedited appeal and a stay when the Court

first addressed individual plaintiff challenges in its July 22, 2004 Letter Opinion. It did not.

Finally, since the Napoli firm represents over 29% of the plaintiffs in this mass tort proceeding, it must have expected a substantial number of the clients it represented might be challenged by Wyeth. Complaints that the Napoli firm lacks the resources to properly represent its clients falls on deaf ears with this Court. A claimed lack of firm resources in any case cannot excuse counsel's obligations to comply with court-ordered procedures and deadlines. *See Cottman v. Flower Manor Ltd. Partnership*, Div. A. No. 91-4890, 1992 WL 368457 at 6 (E.D. Pa. December 2, 1992). To conclude otherwise would belittle the "enormous and solemn responsibility in filing a lawsuit." *Id.* Rather, "[i]f an attorney lacks the time and resources to pursue a client's case with reasonable diligence, he or she is obliged to decline representation." *Segal v. State Bar of Cal.*, 751 P.2d 463, 466 (Cal. 1988). If the Napoli firm foresaw that it would be unable to muster adequate resources to represent its clients, it should have referred them to other counsel. That it did not do so following the formation, in April 2004, of a number of discovery groups disproportionately comprised of the firm's cases is telling.

The Napoli firm suggests that these eligibility hearings have dramatically raised its costs of representation, exhausting the Napoli firm's resources as well as those of the Court. The Court disagrees with the Napoli firm's mathematics; they do not

reflect the Napoli firm's actual costs but an artificial construct designed to inflate the costs to the litigants. The system now in place postpones significant discovery pending the conclusion of the eligibility challenges. If the Napoli firm's clients are found to be ineligible to opt-out, or choose to abandon their opt-out in the face of a Wyeth challenge, significant discovery expenses are avoided. The procedure in place actually saves the litigants time and money. And as will be seen shortly, the Court and the public benefits as well with the better use of precious litigation resources.

The next consideration in the stay calculus is balancing the equities. Plainly, such equities militate against a stay. As the Court already has found, Wyeth bargained for the right to challenge the opt-out decisions made by these IOOs and BEOOs. As the Court's Letter Opinions of July 22, 2004, September 22, 2004 and December 9, 2004 make clear, many of the echocardiograms supporting these opt-outs were so technically flawed that no reasonable medical conclusions could be drawn from them. In other instances, the physicians or technicians interpreted these echocardiograms in a palpably unreasonable way. For example, conclusions that certain plaintiffs had FDA Positive aortic regurgitation were made on frames taken in systole -- plainly a medical impossibility. In many other cases, an individual plaintiff's status was wildly exaggerated by the reviewing technician and/or physician.

In short, Wyeth's interest in proceeding with the eligibility procedure established by this Court goes far beyond mere entitlement under the CAS. These

eligibility proceedings provide a vital mechanism through which Wyeth can evaluate large numbers of the claims against it; assess its potential liability in this massive litigation; and identify counsel and attesting physicians whose credibility may be suspect. What is occurring now is what the Napoli firm should have done before filing suit. Indefinitely depriving Wyeth of this contractually guaranteed mechanism will significantly prejudice it. Obviously, if a stay is entered, there will be no challenges for a minimum of six (6) months. If appellate review sustains the Court's *Eligibility Standards Opinion*, the challenge process will be set back to a degree that it will never catch up with the discovery underway. This would deprive Wyeth of the very bargain this Court found Wyeth sought to secure in the CAS.

But there is much more at stake than simply a private dispute between the plaintiffs and Wyeth. Because this is easily the largest mass tort presently in the New Jersey courts, the public interest in the prompt and efficient disposition of this complex litigation is implicated. In this Court's view, the requested stay, if granted, would harm the public's interest in the efficient administration of its courts and allocation of judicial resources. This Court has expended a great deal of time and effort in an attempt to impose order on the thousands of diet drug cases that it has been asked to steward. As already noted, the plaintiff's stay request, if granted, would frustrate those efforts by leaving more than 5,200 of these cases in judicial limbo pending action by another judicial body. It would also deprive the Court of a valuable

tool for disposing of large numbers of these cases. The effects of this disruption -- a pause period of indeterminate length wholly outside of this Court's control -- are likely to create substantial change to this Court's efforts and will harm the New Jersey judicial system as a whole.

## VI

For these reasons then, the motion by the Napoli firm for a stay of eligibility hearings pending resolution of the appeals in *Mary Frost v. Wyeth, et al*, BER-0L-6014-03MT is denied.

An Order denying a stay is enclosed with this Opinion.

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CHARLES J. WALSH, J.S.C.

CJW/len

Bergen Docket	Case Title
L-7191-04	BOLANDER-MURPHY VS WYETH
L-7194-04	CAREY VS WYETH
L-7195-04	HADLEY VS WYETH
L-7197-04	DOBYNS VS WYETH
L-7199-04	EDWARDS-NELSON VS WYETH
L-7200-04	HALL VS WYETH
L-7202-04	KNOWLES VS WYETH
L-7205-04	LEFORCE VS WYETH
L-7208-04	LEVINE VS WYETH
L-7210-04	LOOMAN VS WYETH
L-7215-04	MARTIN VS WYETH
L-7222-04	MOBLEY VS WYETH
L-7225-04	PENA VS WYETH
L-7234-04	THOMPSON VS WYETH
L-7241-04	WARREN VS WYETH
L-7405-04	BURKETT-GILLESPIE VS WYETH
L-7416-04	CASE VS WYETH
L-7419-04	CATES VS WYETH
L-7422-04	COFFIN VS WYETH
L-7423-04	CASE VS WYETH
L-7425-04	MCKINNEY VS WYETH
L-7429-04	PITCHLYNN VS WYETH
L-7434-04	RANDLE VS WYETH
L-7435-04	ALBRITTON VS WYETH
L-7439-04	CARR VS WYETH
L-7440-04	ROBBERSON VS WYETH
L-7443-04	SINKEVICH VS WYETH
L-7446-04	SMITH-PERDUE VS WYETH
L-7448-04	DEMARIA VS WYETH
L-7449-04	CHALSHOTORI VS WYETH
L-7451-04	GOODRICK VS WYETH
L-7453-04	HAWKINS VS WYETH
L-7454-04	COFFEY VS WYETH
L-7455-04	HOLLIS VS WYETH
L-7457-04	ANDERSON-STACKRISE VS WYETH
L-7458-04	MILLER VS WYETH

L-7459-04	HARRINGTON-MCCULLOUGH VS WYETH
L-7460-04	CRITTENDEN VS WYETH
L-7463-04	BOND VS WYETH
L-7464-04	CASSITY VS WYETH
L-7467-04	DELOZIER VS WYETH
L-7468-04	FERNELLA VS WYETH
L-7472-04	FERRERO VS WYETH
L-7475-04	SHEPARD VS WYETH
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L-7799-04	FRY VS WYETH
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L-7801-04	ROBERTSON VS WYETH
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L-7803-04	JACKSON VS WYETH
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L-7855-04	PHILLIPS VS WYETH
L-7856-04	LOOMAN VS WYETH
L-7943-04	JACKSON VS WYETH
L-7945-04	WINSTEAD VS WYETH
L-7946-04	MATTSON VS WYETH
L-7947-04	EMMANUELLI VS WYETH
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L-8033-04	OLSON-LUND VS WYETH
L-8035-04	PLEHN VS WYETH
L-8037-04	ROSSI VS WYETH
L-8038-04	KENNY VS WYETH

L-8348-04	WILLINGHAM VS WYETH
L-8349-04	VAUGHN VS WYETH
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L-8253-04	SKINNER VS WYETH
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L-8774-04	VANSCOY VS WYETH
L-8776-04	CADE VS WYETH
L-8779-04	ROGERS VS WYETH
L-8782-04	RETH VS WYETH
L-8785-04	SANDERS VS WYETH
L-5266-04	HALL VS WYETH
L-5268-04	LONG VS WYETH
L-5270-04	GIBSON VS WYETH
L-5271-04	VOGEL VS WYETH
L-5274-04	CANNON VS WYETH
L-5325-04	LILIENTHAL VS WYETH
L-5567-04	BAKER VS WYETH
L-5568-04	BLACKBURN VS WYETH
L-5569-04	JACKSON VS WYETH
L-5570-04	TORBETT VS WYETH
L-5571-04	BOROUGHSMITH VS WYETH
L-5572-04	TURNER VS WYETH
L-5573-04	THRAPP VS WYETH
L-5574-04	KOCH VS WYTEH
L-5575-04	RAMOS VS WYETH
L-5577-04	POWELL VS WYETH
L-5587-04	WARKENTEN VS WYETH
L-5588-04	GOLD VS WYETH
L-5590-04	DAY VS WYETH
L-5591-04	ROBINS VS WYETH
L-5592-04	GANDIOSI VS WYETH
L-5594-04	RODRIGUEZ VS WEYTH
L-5595-04	TIBBITS VS WYETH
L-5596-04	MORRIS VS WYETH
L-5598-04	RIVERA VS WYETH
L-5599-04	SANDOR VS WYETH
L-5600-04	ROBERTSON VS WYETH
L-5601-04	TUCKER-NEWTON VS WYETH
L-5602-04	OAKLEY VS WYETH
L-5603-04	COLVIN VS WYETH
L-5604-04	MORELAND VS WYETH

L-5606-04	DIPALMO-TAURISANO VS WYETH
L-5607-04	HALE VS WYETH
L-5608-04	CAMPBELL VS WYETH
L-5609-04	OLIVER VS WYETH
L-5611-04	NICODEMUS VS WYETH
L-5612-04	NICHOLAS VS WYETH
L-5613-04	NEWSOM VS WYETH
L-5614-04	TURNEY VS WYETH
L-5616-04	NIGHTENGALE VS WYETH
L-5617-04	EMANUEL VS WYETH
L-5618-04	PEASE VS WYETH
L-5619-04	PARKS VS WYETH
L-5620-04	HASTON VS WYETH
L-5621-04	QUINN VS WYETH
L-5622-04	PARENICA VS WYETH
L-5623-04	YOUNGBLOOD VS WYETH
L-5624-04	PADEN VS WYETH
L-5626-04	PHILLIPS VS WYETH
L-5627-04	TOWERS VS WYETH
L-5629-04	STAPLETON VS WYETH
L-5630-04	SMITH VS WYETH
L-5631-04	WOOD VS WYETH
L-5632-04	SIMS VS WYETH
L-5633-04	PEARLSTEIN VS WYETH
L-5637-04	BOLZ VS WYETH
L-5638-04	PAYNE VS WYETH
L-5639-04	GOODE VS WYETH
L-5640-04	DORN VS WYETH
L-5641-04	CASEY VS WYETH
L-5643-04	COLE VS WYETH
L-5644-04	COLE VS WYETH
L-5645-04	AMORIELLO VS WYETH
L-5646-04	BURCHFIEL VS WYETH
L-5647-04	VALLIANT VS WYETH
L-5651-04	MINTY VS WYETH
L-5652-04	MUMBY VS WYETH
L-5654-04	REYNARD VS WYETH
L-5655-04	STEVENSON VS WYETH
L-5657-04	SWAFFORD-SCOTT VS WYETH
L-5658-04	ROSS VS WYETH
L-5659-04	RUSSELL VS WYETH

L-5660-04	SHARP VS WYETH
L-5661-04	WINKLES VS WYETH
L-5662-04	MCCOY VS WYETH
L-5668-04	HAMMOND VS WYETH
L-5670-04	KECK VS WYETH
L-5671-04	WHITE VS WYETH
L-5673-04	NELSON VS WYETH
L-5675-04	GROVES VS WYETH
L-5676-04	NEELY VS WYETH
L-5677-04	MURRAY VS WYETH
L-5678-04	VAUGHN-MONDRAGON VS WYETH
L-5679-04	UNRUH VS WYETH
L-5680-04	PEPPER VS WYETH
L-5681-04	PEDEN VS WYETH
L-5683-04	RAY VS WYETH
L-5684-04	LANDOLFI VS WYETH
L-5687-04	LAREAU VS WYETH
L-5691-04	LAWRENCE VS WYETH
L-5693-04	LITMANOWITZ VS WYETH
L-5696-04	LORENZO VS WYETH
L-5697-04	EDDY VS WYETH
L-5698-04	EHRENKAUFER VS WYETH
L-5699-04	FERNANDEZ VS WYETH
L-5701-04	DAUGHERTY VS WYETH
L-5702-04	COCLAZIER VS WYETH
L-5704-04	OVERTON VS WYETH
L-5705-04	ROSS VS WYETH
L-5706-04	YOUNG VS WYETH
L-5707-04	DUNIGAN VS WYETH
L-5708-04	SPRINGER VS WYETH
L-5709-04	HURN VS WYETH
L-5710-04	WROBEL VS WYETH
L-5711-04	HEMMERLY VS WYETH
L-5712-04	BLOOD-WILLIAMS VS WYETH
L-5713-04	BEST-GOLDEN VS WYETH
L-5715-04	ABDUL-LATIF VS WYETH
L-5716-04	SPIVEY-SIMMERS VS WYETH
L-5717-04	PECK-DONLEY VS WYETH
L-5718-04	HOWLAND VS WYETH
L-5720-04	HARKINS-SPRANGLER VS WYETH
L-5722-04	SAKELOS VS WYETH

L-5723-04	HUNT VS WYETH
L-5725-04	HEBERT VS WYETH
L-5990-04	VILLADIEGO VS WYETH
L-5991-04	TURNER VS WYETH
L-5992-04	TUTTLE VS WYETH
L-5993-04	HUGUENIN VS WYETH
L-5995-04	LITMANOWICZ VS WYETH
L-5996-04	NEWBANKS VS WYETH
L-5998-04	TRIEFLER VS WYETH
L-6001-04	VICKERY VS WYETH
L-6002-04	DEANE VS WYETH
L-6003-04	DAY VS WYETH
L-6007-04	ROGERS VS WYETH
L-6008-04	HARRINGTON VS WYETH
L-6416-04	MANN VS WYETH
L-6417-04	CROSS VS WYETH
L-6418-04	COX-GIBSON VS WYETH
L-6419-04	O'DONNELL VS WYETH
L-6420-04	NOMIS VS WYETH
L-6421-04	NOAH VS WYETH
L-6422-04	NICHOLS VS WYETH
L-6423-04	MORRELL VS WYETH
L-6425-04	HENDRIX VS WEYTH
L-6426-04	HUBBLE VS WYETH
L-6439-04	HARRIS VS WYETH
L-6442-04	HATCH VS WYETH
L-6444-04	SHARMAN VS WYETH
L-6445-04	TAYLOR-CONKO VS WYETH
L-6446-04	ENGELHART VS WYETH
L-6452-04	DICKSON VS WYETH
L-6454-04	GARCIA VS WYETH
L-6457-04	HAMILTON VS WYETH
L-6459-04	MCDERMOTT VS WYETH
L-6461-04	OTT VS WYETH
L-6467-04	HILL VS WYETH
L-6468-04	RYAN VS WYETH
L-6469-04	ROWELL VS WYETH
L-6470-04	FRAKES VS WYETH
L-6473-04	NEVELS VS WYETH
L-6474-04	MEEK VS WYETH
L-6475-04	MILLER VS WYETH

L-6476-04	MILLER VS WYETH
L-6477-04	MITCHELL VS WYETH
L-6478-04	SCHOLZ VS WYETH
L-6479-04	SHIDU VS WYETH
L-6480-04	TERHUNE VS WYETH
L-6481-04	THACKER VS WYETH
L-6483-04	WRIGHT VS WYETH
L-6486-04	ADAMS VS WYETH
L-6487-04	BARNES VS WYETH
L-6488-04	BARSUGLIA VS WYETH
L-6489-04	BEDWELL VS WYETH
L-6490-04	APARACIO VS WYETH
L-6491-04	RYAN VS WYETH
L-6492-04	MCDANIEL VS WYETH
L-6493-04	BRANDON VS WYETH
L-6494-04	SMITH VS WYETH
L-6495-04	MCKNIGHT VS WYETH
L-6496-04	TAYLOR VS WYETH
L-6497-04	VAUGHN VS WYETH
L-6498-04	REECK VS WYETH
L-6499-04	TAYLOR VS WYETH
L-6500-04	WALKER VS WYETH
L-6501-04	WATKINS VS WYETH
L-6502-04	WEBSTER VS WYETH
L-6504-04	WIGGINTON VS WYETH
L-6505-04	BAGLEY VS WYETH
L-6506-04	WILLIAMS VS WYETH
L-6508-04	WILSON VS WYETH
L-6509-04	BURKE VS WYETH
L-6510-04	BUSH VS WYETH
L-6511-04	HARDIN-FARMER VS WYETH
L-6512-04	JACKSON VS WYETH
L-6513-04	JETER VS WYETH
L-6515-04	JOHNSON VS WYETH
L-6516-04	MCLEOD VS WYETH
L-6517-04	SMITH VS WYETH
L-6518-04	WHITE VS WYETH
L-6522-04	ROMEY VS WYETH
L-6524-04	ROBINSON VS WEYTH
L-6525-04	REMINGTON VS WYETH
L-6527-04	GALLAGHER VS WYETH

L-6528-04	HILL VS WYETH
L-6530-04	PATTERSON VS WYETH
L-6534-04	COLEMAN VS WYETH
L-6535-04	JOHNSON-GOODE VSW YETH
L-6536-04	MARTIN VS WYETH
L-6537-04	MCNABB VS WYETH
L-6539-04	ROGERS VS WYETH
L-6540-04	SHEWELL VS WYETH
L-6542-04	SLATER VS WEYTH
L-6543-04	SNOW VS WYETH
L-6544-04	TOMAS VS WYETH
L-6545-04	TIESS VS WYETH
L-6547-04	ALVERSON VS WYETH
L-6548-04	BRITTNER VS WYETH
L-6549-04	BROOKS VS WYETH
L-6550-04	BUTLER VS WYETH
L-6551-04	CARTER VS WYETH
L-6553-04	CROUCH VS WYETH
L-6554-04	MARCUM VS WYETH
L-6556-04	MCCOSH VS WYETH
L-6557-04	MCCRAY-BOATWRIGHT VS WYETH
L-6558-04	SCIACCA VS WYETH
L-6562-04	AUST VS WYETH
L-6563-04	BISBEE VS WYETH
L-6565-04	GENNARELLI VS WYETH
L-6567-04	GUY VS WYETH
L-6569-04	LEE VS WYETH
L-6571-04	PATTON VS WYETH
L-6570-04	PEREZ VS WYETH
L-6573-04	ROBERTSON VS WYETH
L-6575-04	RODRIQUEZ VS WYETH
L-6577-04	TAYLOR VS WYETH
L-5944-03	ROGERS VS AMER HOME PROD CORP
L-5955-03	GREEN VS AMER HOME PROD CORP
L-5969-03	POE VS AMER HOME PROD CORP
L-5979-03	MINATRA VS AMER HOME PROD CORP
L-5981-03	PERRY VS AMER HOME PROD CORP
L-5982-03	HASKINS VS AMER HOME PROD CORP
L-5983-03	COBB VS AMER HOME PROD CORP
L-5985-03	FORSHEE VS AMER HOME PROD CORP

L-5989-03	RINKLE-HOLDER VS AMER HOME PRD CORP
L-5990-03	KNAPP VS AMER HOME PROD CORP
L-5993-03	LEHEW-BIBY VS AMER HOME PROD CORP
L-5995-03	MORRIS VS AMER HOME PROD CORP
L-6009-03	WOOTEN VS AMER HOME PROD CORP
L-6010-03	HENSON VS AMER HOME PROD CORP
L-6011-03	FUSS-HOUCK VS AMER HOME PROD CORP
L-6015-03	WHITE VS AMER HOME PROD CORP
L-6016-03	COOPER VS AMER HOME PROD CORP
L-6017-03	MINNICK VS AMER HOME PROD CORP
L-6018-03	MILES-DAVIS VS AMER HOME PROD CORP
L-6020-03	MOLDER VS AMER HOME PROD CORP
L-6021-03	MEADE VS AMER HOME PROD CORP
L-6022-03	BAYSINGER VS AMER HOME PROD CORP
L-6024-03	HUFFAKER VS AMER HOME PROD CORP
L-6026-03	ANSELL VS AMER HOME PROD CORP
L-6027-03	THOMASON VS AMER HOME PROD CORP
L-6028-03	HINES VS AMER HOME PROD CORP
L-6029-03	HAWK VS AMER HOME PROD CORP
L-6031-03	HAWKINS VS AMER HOME PROD CORP
L-6805-03	LINGHAM VS AMERICAN HOME
L-6808-03	HAWRYLUK VS AMERICAN HOME
L-6815-03	VENTURELLI VS AMERICAN HOME
L-6816-03	GREEN VS AMERICAN HOME
L-6817-03	EINSTEIN VS AMERICAN HOME
L-6819-03	MELTZER-BERKOWITZ VS AMERICAN HOME PRODUCTS
L-8182-03	BELL V AMERICAN HOME PRODUCTS
L-8194-03	BELLE-MOSS V AMERICAN HOME PRODUCTS
L-8195-03	GALLO VS AMERICAN HOME PRODUCTS
L-8198-03	GLASS VS AMERICAN HOME PRODUCTS
L-8199-03	GRASSMAN-RYD VS AMERICAN HOME PRODUCTS
L-8201-03	ARILLO VS AMERICAN HOME PRODUCTS
L-8256-03	PARISI VS AMERICAN HOME PRODUCTS
L-8257-03	LETIZIA VS AMERICAN HOME PRODUCTS
L-8261-03	QUENAULT VS AMERICAN HOME PRODUCTS
L-8263-03	OLIVA VS AMERICAN HOME PRODUCTS
L-8264-03	PICCINETTI VS AMERICAN HOME PRODUCTS
L-9137-03	NELSON VS AMERICAN HOME PRODUCTS
L-9139-03	GAGLIARDO VS AMERICAN HOME PRODUCTS



L-9140-03	FINLAYSON VS AMERICAN HOME PRODUCTS
L-9165-03	RUDOW VS AMERICAN HOME PRODUCTS
L-9168-03	VOGT VS AMERICAN HOME PRODUCTS
L-9169-03	NWANA VS AMERICAN HOME PRODUCTS
L-9172-03	SZOSTAK VS AMERICAN HOME PRODUCTS
L-962-04	BOND VS WYETH
L-963-04	MAHON-LAMBERT VS WYETH
L-965-04	GOLDMAN VS WYETH
L-966-04	BENITEZ VS WYETH
L-968-04	ROSENSTOCK VS WYETH
L-975-04	TUITE VS WYETH
L-976-04	MORAN VS WYETH
L-1090-04	WATLEY VS WYETH
L-1091-04	CID-CRUZ VS WYETH
L-1093-04	CRUZ VS WYETH
L-1096-04	GENITO VS WYETH
L-1097-04	ROUFF VS WYETH
L-1100-04	PITTMAN VS WYETH
L-1371-04	DONOVAN VS WYETH
L-1372-04	BONOMO VS WYETH
L-1373-04	EDMOND VS WYETH
L-1374-04	EVANS=BRIGGS VS WYETH
L-1375-04	COMPTON VS WYETH
L-1377-04	FEWS VS WYETH
L-1378-04	HARRIOTT VS WYETH
L-1379-04	FILVER VS WYETH
L-1380-04	VINAS VS WYETH
L-1382-04	MELVIN VS WYETH
L-1384-04	RIVERA VS WYETH
L-1385-04	BROOKS VS WYETH
L-1388-04	RIVERS VS WYETH
L-1389-04	SCORSONE VS WYETH
L-1390-04	BURNETT VS WYETH
L-1391-04	SHAMOSH VS WYETH
L-1392-04	TERRANOVA VS WYETH
L-1393-04	BURNS VS WYETH
L-1394-04	CHILTON VS WYETH
L-1395-04	GREENE VS WYETH
L-1397-04	HOLCOMB VS WYETH
L-1399-04	HOOKS VS WYETH
L-1400-04	ASAY VS WYETH

L-1403-04	BROWN VS WYETH
L-1404-04	BROWNLOW VS WYETH
L-1405-04	BURKS VS WYETH
L-1407-04	ERMLER VS WYETH
L-1408-04	FOSTER VS WYETH
L-1409-04	GRAY VS WYETH
L-1411-04	RYAN VS WYETH
L-1414-04	ROSE VS WYETH
L-1416-04	PATRICK VS WYETH
L-1417-04	PIPPIN VS WYETH
L-1418-04	BARRETT VS WYETH
L-1419-04	BARNETT-BRASCH VS WYETH
L-1420-04	BELLOCK VS WYETH
L-1421-04	BURKETT VS WYETH
L-1422-04	POWELL VS WYETH
L-1423-04	HAYES VS WYETH
L-1424-04	POLLOCK VS WYETH
L-1425-04	KENASTON VS WYETH
L-1426-04	MESSER VS WYETH
L-1427-04	SIMIONE-ONEILL VS WYETH
L-1428-04	WALKER VS WYETH
L-1429-04	WILLIAMS VS WYETH
L-1430-04	KING VS WYETH
L-1432-04	KLOTZ VS WYETH
L-1433-04	LARSON VS WYETH
L-1435-04	SANDOVAL VS WYETH
L-1436-04	SPREITZER VS WYETH
L-1437-04	SMITH VS WYETH
L-1439-04	MILANICH VS WYETH
L-1441-04	NOBLET VS WYETH
L-1442-04	YOUNG VS WYETH
L-1443-04	ORNELAS VS WYETH
L-1444-04	ORTIZ-GWITT VS WYETH
L-1445-04	OURS VS WYETH
L-1446-04	OWENS VS WYETH
L-1449-04	PAPPAS VS WYETH
L-1450-04	PARR-NELSON VS WYETH
L-1453-04	RICHARDS VS WYETH
L-1456-04	SISCO VS WYETH
L-1457-04	REAGAN VS WYETH
L-1459-04	SZCZECINSKI VS WYETH

L-1461-04	PURVIS VS WYETH
L-1466-04	THORNE VS WYETH
L-1467-04	SERGEANT VS WYETH
L-1470-04	WALKER-HOUSTON VS WYETH
L-1471-04	SHIELDS-DELAROSA VS WYETH
L-1473-04	SIBBITT VS WYETH
L-1474-04	WAYMAN VS WYETH
L-1475-04	SIEGEL VS WYETH
L-1476-04	WILSON VS WYETH
L-1479-04	YOUNG VS WYETH
L-1488-04	BURKE VS WYETH
L-1490-04	BUSCH VS WYETH
L-1492-04	CERNAUSKAS VS WYETH
L-1493-04	TURNER VS WYETH
L-1494-04	CHOINACKI VS WYETH
L-1497-04	KERCHEFSKI-SULLIVAN VS WYETH
L-1500-04	BROADWAY VS WYETH
L-1501-04	BALDWIN VS WYETH
L-1502-04	ANDRADE VS WYETH
L-1505-04	AMAYA VS WYETH
L-1506-04	AGNICK VS WYETH
L-1507-04	COLEMAN VS WYETH
L-1508-04	MEIER VS WYETH
L-1509-04	MEIER VS WYETH
L-1510-04	METE VS WYETH
L-1511-04	MOSCARITOLO VS WYETH
L-1512-04	MURPHY VS WYETH
L-1513-04	MUNN VS WYETH
L-1516-04	PHILBIN-BURNETT VS WYETH
L-1518-04	PINCKNEY VS WYETH
L-1521-04	CLINE VS WYETH
L-1522-04	COLEMAN VS WYETH
L-1528-04	HARDY VS WYETH
L-1530-04	HEAD VS WYETH
L-1532-04	HATLEY VS WYETH
L-1533-04	HOFEDITZ VS WYETH
L-1535-04	HUBBARD VS WYETH
L-1536-04	IPPOLITO VS WYETH
L-1539-04	JOHNSON VS WYETH
L-1540-04	STAGGS VS WYETH
L-1542-04	TALBOT-JAKUBOWSKI VS WYETH

L-1545-04	TERRELL VS WYETH
L-1550-04	WILLIAMS VS WYETH
L-1551-04	WEAVER-KENNEDY VS WYETH
L-1553-04	CALLISON VS WYETH
L-1554-04	COMPTON VS WYETH
L-1555-04	VAVRA VS WYETH
L-1557-04	GOOCH VS WYETH
L-1559-04	HACKLER VS WYETH
L-1560-04	HANDLEY VS WYETH
L-1561-04	FOLLIS VS WYETH
L-1563-04	HESS VS WYETH
L-1564-04	FLANDO VS WYETH
L-1565-04	HOPPER VS WYETH
L-1566-04	CORRAO VS WYETH
L-1567-04	HWANG-ZAHNIEL VS WYETH
L-1568-04	BEHRINGER VS WYETH
L-1569-04	LOMBARDI VS WYETH
L-1570-04	MCGOVERN VS WYETH
L-1571-04	FEDORIK VS WYETH
L-1572-04	BARNES VS WYETH
L-1598-04	CATRON VS WYETH
L-1601-04	CREWS VS WYETH
L-1602-04	GREEN VS WYETH
L-1603-04	HAILEY VS WYETH
L-1606-04	CUNDIFF VS WYETH
L-1608-04	HAMBACH VS WYETH
L-1609-04	HEDERMAN VS WYETH
L-1610-04	ETHETTON VS WYETH
L-1612-04	HOWARD VS WYETH
L-1614-04	JONES VS WYETH
L-1616-04	GOODWIN VS WYETH
L-1617-04	KANE VS WYETH
L-1619-04	KELLER VS WYETH
L-1621-04	GRAMLICH VS WYETH
L-1622-04	KRANTZ VS WYETH
L-1623-04	KRENZELAK VS WYETH
L-1625-04	HAYS VS WYETH
L-1627-04	KROGULL VS WYETH
L-1628-04	LAPEE VS WYETH
L-1629-04	LAUTENBACH VS WYETH
L-1631-04	LAVERY VS WYETH

L-1632-04	HINES VS WYETH
L-1633-04	LEE VS WYETH
L-1634-04	LEE VS WYETH
L-1635-04	JONES VS WYETH
L-1636-04	LINGEL VS WYETH
L-1638-04	LINDE VS WYETH
L-1639-04	LOW VS WYETH
L-1640-04	LUCAS VS WYETH
L-1641-04	ARVIA VS WYETH
L-1642-04	ARY VS WYETH
L-1643-04	BARTELS VS WYETH
L-1644-04	BLY VS WYETH
L-1645-04	ELLIS VS WYETH
L-1646-04	FALK VS WYETH
L-1650-04	GAHAGAN VS WYETH
L-1651-04	KILGALLON VS WYETH
L-1654-04	KLEEMAN-RHODES VS WYETH
L-1656-04	KLEIN VS WYETH
L-1669-04	MACRUNNELS VS WYETH
L-1672-04	MAGNUSON VS WYETH
L-1673-04	MARREN VS WYETH
L-1676-04	MARTIN VS WYETH
L-1678-04	MCBRIDE VS WYETH
L-1679-04	MCKENZIE VS WYETH
L-1681-04	MCREYNOLDS VS WYETH
L-1682-04	MCLAUGHLIN VS WYETH
L-1704-04	DAVIS VS WYETH
L-1705-04	CARBAUGH VS WYETH
L-1706-04	CIVELLO-KOWALSKI VS WYETH
L-1707-04	DEVRIES VS WYETH
L-1708-04	EITHUN VS WYETH
L-1710-04	FINLEY VS WYETH
L-1711-04	GRAHAM VS WYETH
L-1713-04	GRANDOLFO VS WYETH
L-1715-04	HILL VS WYETH
L-1716-04	DOPP VS WYETH
L-1720-04	JOHNSON VS WYETH
L-1724-04	JUDGE VS WYETH
L-1725-04	DUDZINSKI VS WYETH
L-1726-04	KANE VS WYETH
L-1727-04	KRIEG VS WYETH

L-1728-04	MCCONICO VS WYETH
L-1729-04	MUELLER VS WYETH
L-1733-04	PRICE VS WYETH
L-1734-04	WALTERS VS WYETH
L-1742-04	MARSCHNER VS WYETH
L-1743-04	CLOYD VS WYETH
L-1745-04	SHEEHY VS WYETH
L-1746-04	SELLERS-BIRMINGHAM VS WYETH
L-1747-04	PRUESS VS WYETH
L-1748-04	PINTO VS WYETH
L-1749-04	MCCOY VS WYETH
L-1750-04	MAIN VS WYETH
L-1751-04	SAUNDERS VS WYETH
L-1752-04	GLORIOSO VS WYETH
L-1753-04	SNYDER VS WYETH
L-1755-04	KRUPA VS WYETH
L-1759-04	STEMPINSKI-LABOY VS WYETH
L-1760-04	SCARPETTI VS WYETH
L-1761-04	POLINAK VS WYETH
L-1762-04	PETERS VS WYETH
L-1763-04	PARKER VS WYETH
L-1764-04	SCRAPE VS WYETH
L-1765-04	ELLIS VS WYETH
L-1766-04	MARQUEZ VS WYETH
L-1768-04	DISMANG-FRANCIS VS WYETH
L-1769-04	MILLER VS WYETH
L-1770-04	DEGERBERG VS WYETH
L-1772-04	ROSEN VS WYETH
L-1773-04	JONES VS WYETH
L-1774-04	JOHNSON VS WYETH
L-1776-04	MASSEY VS WYETH
L-1790-04	HICKS VS WYETH
L-1791-04	HARRIS VS WYETH
L-1793-04	TORRES VS WYETH
L-1794-04	SAKELLARIDES VS WYETH
L-1795-04	MULLANEY VS WYETH
L-1796-04	MOSS VS WYETH
L-1797-04	MORRIS VS WYETH
L-1798-04	MONCADA VS WYETH
L-1799-04	MILONE-MCLAUGHLIN VS WYETH
L-1800-04	RICE VS WYETH

L-1801-04	SCHEMMEL VS WYETH
L-1865-04	ENGLAND VS WYETH
L-1866-04	FLANIGAN VS WYETH
L-1870-04	JOHNSON VS WYETH
L-1871-04	KEIM VS WYETH
L-1875-04	NEWSOM VS WYETH
L-1877-04	PATRICK VS WYETH
L-1878-04	RHOTON VS WYETH
L-1879-04	SHORT-SANCHEZ VS WYETH
L-1880-04	WEST VS WYETH
L-1885-04	HUFFMAN VS WYETH
L-1887-04	HICKS VS WYETH
L-1888-04	BROWN VS WYETH
L-1890-04	HARRIS VS WYETH
L-1892-04	HAMMONS VS WYETH
L-1893-04	GRAYSON VS WYETH
L-1894-04	CARTER VS WYETH
L-1896-04	GRANVILLE VS WYETH
L-1898-04	CORDILIKO VS WYETH
L-1901-04	GULLORY VS WYETH
L-1902-04	HOPKINS VS WYETH
L-1904-04	FOSNOW VS WYETH
L-1905-04	INGRAM VS WYETH
L-1906-04	NEBREN VS WYETH
L-1907-04	NEGRON VS WYETH
L-1908-04	OWENS VS WYETH
L-1909-04	SALDUTTI VS WYETH
L-1910-04	RODRIGUEZ VS WYETH
L-1911-04	OGILIVIE VS WYETH
L-1912-04	ROSBORG VS WYETH
L-1913-04	MOUNTS VS WYETH
L-1914-04	WALL VS WYETH
L-1915-04	WILLIAMS VS WYETH
L-1916-04	WIERENGA VS WYETH
L-1919-04	EKERN VS WYETH
L-1920-04	DELOVIER VS WYETH
L-1921-04	EKERN VS WYETH
L-1922-04	BROWN VS WYETH
L-1923-04	ALVARADO VS WYETH
L-1925-04	BENSON VS WYETH
L-1926-04	BINGER VS WYETH

L-1927-04	DELOUGHY VS WYETH
L-1928-04	DIMAGGIO VS WYETH
L-1929-04	DOMBROWSKI VS WYETH
L-1930-04	SCHATNER VS WYETH
L-1931-04	SHEFFIELD VS WYETH
L-1932-04	DAVIS VS WYETH
L-1933-04	VAN DE BOGART VS WYETH
L-1934-04	KINSELLA VS WYETH
L-1935-04	VONDERHEIDE VS WYETH
L-1936-04	KIRSCH VS WYETH
L-1937-04	LUXMORE VS WYETH
L-1938-04	RAWLS VS WYETH
L-1939-04	RIEDEL VS WYETH
L-1941-04	MYERS-GUNUSKEY VS WYETH
L-1942-04	NICHOLLS VS WYETH
L-1943-04	OKEEFE VS WYETH
L-1944-04	DENNISON VS WYETH
L-1945-04	GOLDMAN VS WYETH
L-1946-04	GULER-ARMI VS WYETH
L-1947-04	MYERS VS WYETH
L-1949-04	CURTIS VS WYETH
L-1950-04	PICKETT VS WYETH
L-1951-04	SCHIMMELMAN VS WYETH
L-1953-04	BROWN VS WYETH
L-1955-04	TAYLOR VS WYETH
L-1956-04	CRIDER VS WYETH
L-1959-04	VAN DUSEN VS WYETH
L-1960-04	ABBEY VS WYETH
L-1962-04	VONBORSTEL VS WYETH
L-1965-04	BEATTY VS WYETH
L-1966-04	WYATT VS WYETH
L-1972-04	BAYLIE VS WYETH
L-1974-04	ALLEN VS WYETH
L-1976-04	LOGAN VS WYETH
L-1979-04	KLEINSTEIN VS WYETH
L-1983-04	PERTZBORN VS WYETH
L-1985-04	ROORK VS WYETH
L-1987-04	PARKER VS WYETH
L-1988-04	MORIZZO VS WYETH
L-1990-04	SCALLATE VS WYETH
L-1992-04	HENDERSON VS WYETH



L-1994-04	TIVERS VS WYETH
L-1995-04	HEMPEL VS WYETH
L-1996-04	HAGUE-PETERS VS WYETH
L-1997-04	COTHRAN VS WYETH
L-2000-04	TALLERICO VS WYETH
L-2002-04	STERN VS WYETH
L-2004-04	FRIDBERG VS WYETH
L-2005-04	GREENE-PORTER VS WYETH
L-2007-04	SPREITZER VS WYETH
L-2008-04	MCKINNEY VS WYETH
L-2009-04	WILLIAMS VS WYETH
L-2010-04	WINKLBAUER VS WYETH
L-2011-04	WINN VS WYETH
L-2013-04	WITCHER VS WYETH
L-2015-04	LUNDY VS WYETH
L-2017-04	LEA VS WYETH
L-2018-04	LEA VS WYETH
L-2019-04	KIRSKSEY VS WYETH
L-2021-04	ARVIA VS WYETH
L-2023-04	FINN VS WYETH
L-2024-04	CRUICKSHANK VS WYETH
L-2026-04	FASANO VS WYETH
L-2027-04	FILBERT VS WYETH
L-2029-04	GABRYS VS WYETH
L-2032-04	ANHALT VS WYETH
L-2033-04	BARTKOWSKI VS WYETH
L-2034-04	GREEN VS WYETH
L-2035-04	CERNIGLIA VS WYETH
L-2036-04	CULLENS VS WYETH
L-2037-04	RANDALL-BOWIE VS WYETH
L-2038-04	JONES VS WYETH
L-2039-04	CLAYTON VS WYETH
L-2040-04	FUMO VS WYETH
L-2041-04	CASTELO VS WYETH
L-2042-04	DUFFIELD VS WYETH
L-2043-04	VOGT VS WYETH
L-2044-04	DEMAR VS WYETH
L-2045-04	WILSON VS WYETH
L-2046-04	SCHIRO VS WYETH
L-2047-04	MASON VS WYETH
L-2048-04	LADD VS WYETH

L-2049-04	MITZNER VS WYETH
L-2050-04	MORAN VS WYETH
L-2052-04	FISHER VS WYETH
L-2053-04	COWHERD VS WYETH
L-2056-04	MOTLEY VS WYETH
L-2057-04	ROBERTSON VS WYETH
L-2059-04	ROGERS VS WYETH
L-2060-04	ROGERS VS WYETH
L-2063-04	RUSH VS WYETH
L-2064-04	MILLER VS WYETH
L-2066-04	WILLIAMS VS WYETH
L-2067-04	STRAGIER-SLAUSON VS WYETH
L-2068-04	ONETH VS WYETH
L-2069-04	TIESI VS WYETH
L-2070-04	EASLEY VS WYETH
L-2072-04	WRIGHT VS WYETH
L-2073-04	WILSON VS WYETH
L-2074-04	VLAHOS VS WYETH
L-2075-04	TUMANENG VS WYETH
L-2076-04	STACHURA VS WYETH
L-2078-04	SIMS VS WYETH
L-2080-04	HOWELL VS WYETH
L-2081-04	ROSSER VS WYETH
L-2082-04	MATTILLION VS WYETH
L-2084-04	ZYWERT VS WYETH
L-2086-04	BRANDON VS WYETH
L-2087-04	BETTISON VS WYETH
L-2088-04	SPEAR VS WYETH
L-2089-04	COHEN VS WYETH
L-2090-04	TURNER-JACKSON VS WYETH
L-2091-04	DANA VS WYETH
L-2092-04	MCNUTT VS WYETH
L-2094-04	QUIRARTE VS WYETH
L-2095-04	VILLA VS WYETH
L-2096-04	VILLA VS WYETH
L-2097-04	WILLIAMS VS WYETH
L-2100-04	WILSON VS WYETH
L-2101-04	WOOD-HAMMONTREE VS WYETH
L-2102-04	WRIGHT VS WYETH
L-2104-04	REEDS VS WYETH
L-2105-04	REYNOLDS VS WYETH

L-2107-04	BURKE VS WYETH
L-2108-04	BREWER VS WYETH
L-2109-04	FANNIN VS WYETH
L-2111-04	ROSS VS WYETH
L-2112-04	GREEN VS WYETH
L-2113-04	SMITH VS WYETH
L-2114-04	ROTUNNO-MORASCH VS WYETH
L-2117-04	SMITH VS WYETH
L-2118-04	RUTH VS WYETH
L-2119-04	TAYLOR VS WYETH
L-2121-04	SCROGGINS VS WYETH
L-2122-04	TOMPKINS VS WYETH
L-2123-04	SHEWMAKER VS WYETH
L-2124-04	BENSCHOTEN VS WYETH
L-2125-04	SILVEY VS WYETH
L-2127-04	WATSON-WALKER VS WYETH
L-2128-04	WILLIS VS WYETH
L-2129-04	YOUNG VS WYETH
L-2181-04	HUBBARD VS WYETH
L-2187-04	CHUDYBA VS WYETH
L-2189-04	FOWLER VS WYETH
L-2190-04	HEGBLOOM VS WYETH
L-2191-04	MILLER VS WYETH
L-2192-04	SIMMONS VS WYETH
L-2193-04	SMITH VS WYETH
L-2194-04	SOLOMON VS WYETH
L-2196-04	STIMA VS WYETH
L-2198-04	TAYLOR VS WYETH
L-2199-04	WOOD VS WYETH
L-2241-04	CHAPMAN VS WYETH
L-2243-04	ZAHNER-SPERRY VS WYETH
L-2854-04	AQUIL VS WYETH
L-2855-04	DENNY VS WYETH
L-2857-04	FRIEDMAN VS WYETH
L-2858-04	MARSCHNER VS WYETH
L-2859-04	JEFFERSON VS WYETH
L-2861-04	JONES VS WYETH
L-2862-04	ATWATER VS WYETH
L-2863-04	LYTLE VS WYETH
L-2864-04	MCDERMOTT VS WYETH
L-2865-04	BAPTISTE VS WYETH

L-2866-04	MOORE VS WYETH
L-2867-04	AGUIRRE VS WYETH
L-2868-04	COONER VS WYETH
L-2869-04	RADER VS WYETH
L-2870-04	COBB-NAILS VS WYETH
L-2871-04	DAUM VS WYETH
L-2872-04	COLEMAN VS WYETH
L-2873-04	PILGRIM VS WYETH
L-2875-04	COSTA VS WYETH
L-2876-04	DEVOOGT VS WYETH
L-2877-04	ALLEN-YONG VS WYETH
L-2878-04	GILBREATH VS WYETH
L-2880-04	ALVARADO VS WYETH
L-2881-04	HANCOCK VS WYETH
L-2882-04	BAKER VS WYETH
L-2883-04	KEETON VS WYETH
L-2884-04	BOWERS VS WYETH
L-2885-04	DUDLEY VS WYETH
L-2886-04	BRADY VS WYETH
L-2887-04	SEMITECOLOS VS WYETH
L-2888-04	FROST VS WYETH
L-2890-04	GERMAN VS WYETH
L-2891-04	SMALLEY VS WYETH
L-2893-04	KHOURI VS WYETH
L-2894-04	PERCHES VS WYETH
L-2895-04	SNOW VS WYETH
L-2896-04	SMITH VS WYETH
L-2897-04	PLEHN VS WYETH
L-2898-04	RIZZO VS WYETH
L-2901-04	COLGATE VS WYETH
L-2902-04	CONLEY VS WYETH
L-2905-04	DURANTE VS WYETH
L-2906-04	LELAND VS WYETH
L-2908-04	ALEXANDER VS WYETH
L-2910-04	COTTON VS WYETH
L-2911-04	FOSTER VS WYETH
L-2912-04	TALSKY VS WYETH
L-2913-04	FOWLER VS WYETH
L-2914-04	GIPSON VS WYETH
L-2915-04	TONG VS WYETH
L-2917-04	GRAY VS WYETH

L-2918-04	GUTIERREZ-OVERSTREET VS WYETH
L-2919-04	FRIED VS WYETH
L-2920-04	TRISCH VS WYETH
L-2921-04	JONES-FIELDS VS WYETH
L-2923-04	KARLAN VS WYETH
L-2924-04	TUERS VS WYETH
L-2925-04	IBRAHIM VS WYETH
L-2926-04	POSTIGLIONE VS WYETH
L-2927-04	GOLDFARB VS WYETH
L-2928-04	RAYFORD VS WYETH
L-2929-04	JUNOD VS WYETH
L-2930-04	VELARDI-GILBERT VS WYETH
L-2933-04	VOLK VS WYETH
L-2934-04	PIKE VS WYETH
L-2936-04	WADDLE VS WYETH
L-2941-04	BRANNON VS WYETH
L-2942-04	HALL VS WYETH
L-2945-04	HAMMOCK VS WYETH
L-2946-04	GREEN VS WYETH
L-2949-04	NESS VS WYETH
L-2950-04	SCHILLER VS WYETH
L-2953-04	SHIFREN SCHNEIDER VS WYETH
L-2954-04	SIEBENBERG VS WYETH
L-2955-04	SIMPSON VS WYETH
L-2958-04	SMITH VS WYETH
L-2966-04	ARAGON VS WYETH
L-2968-04	BARTLOW VS WYETH
L-2971-04	BERGLUND VS WYETH
L-2973-04	EVANS VS WYETH
L-2977-04	HILL-WILLBY VS WYETH
L-2978-04	GALASSO-LIBERTY VS WYETH
L-2981-04	HOFFMANN VS WYETH
L-2982-04	HOMESLEY VS WYETH
L-2983-04	IONATA VS WYETH
L-2984-04	HUDZIETZ VS WYETH
L-2985-04	JANDT VS WYETH
L-2988-04	JONES VS WYETH
L-2998-04	RUBIN VS WYETH
L-3000-04	BONNEAU VS WYETH
L-3002-04	BOUCHELL VS WYETH
L-3003-04	CALLEJA VS WYETH

L-3007-04	PHILLIPS VS WYETH
L-3008-04	CARASCO VS WYETH
L-3009-04	CHAVEZ VS WYETH
L-3012-04	COAD VS WYETH
L-3016-04	SENECAL VS WYETH
L-3024-04	SHIPMAN VS WYETH
L-3030-04	SKORZANKA VS WYETH
L-3390-04	AWNI-MILLER VS WYETH
L-3391-04	LOWENTHAL VS WYETH
L-3393-04	CARMICHAEL VS WYETH
L-3396-04	MERCER VS WYETH
L-3398-04	DUGGER VS WYETH
L-3401-04	MESSINA VS WYETH
L-3402-04	MORELAND-GREGORY VS WYETH
L-3403-04	LACEY VS WYETH
L-3404-04	MCGLOTHLEN VS WYETH
L-3406-04	LANGLEY VS WYETH
L-3407-04	MURRAY VS WYETH
L-3410-04	KAPPEL VS WYETH
L-3411-04	SAUR VS WYETH
L-3412-04	MORGAN VS WYETH
L-3414-04	LENNON VS WYETH
L-3415-04	SMIRL VS WYETH
L-3417-04	MORRISON VS WYETH
L-3418-04	KITE VS WYETH
L-3419-04	LOPEZ VS WYETH
L-3420-04	TAYLOR VS WYETH
L-3421-04	MCCLEOD VS WYETH
L-3422-04	LOOMIS VS WYETH
L-3424-04	WILLIAMS VS WYETH
L-3425-04	NADON VS WYETH
L-3427-04	WILSON VS WYETH
L-3429-04	NEUMEISTER VS WYETH
L-3430-04	MCKENNA VS WYETH
L-3431-04	MCCARTY VS WYETH
L-3434-04	MARTINEZ VS WYETH
L-3435-04	O'BANNON VS WYETH
L-3437-04	TUBBS VS WYETH
L-3438-04	NONGAUZA VS WYETH
L-3439-04	MIZER VS WYETH
L-3440-04	STARK VS WYETH

L-3442-04	WILLIAMS VS WYETH
L-3443-04	ANDERSON VS WYETH
L-3445-04	HARRISON VS WYETH
L-3447-04	MOORE VS WYETH
L-3448-04	MORERA VS WYETH
L-3450-04	MURPHY VS WYETH
L-3452-04	OTTO VS WYETH
L-3453-04	NAPERALA VS WYETH
L-3454-04	STEWART VS WYETH
L-3455-04	TUSCANO VS WYETH
L-3457-04	VOAKES VS WYETH
L-3459-04	WALTHALL VS WYETH
L-3460-04	WONG VS WYETH
L-3461-04	WILLIAMS VS WYETH
L-3462-04	ZIEGLER VS WYETH
L-3971-04	CLAYTON VS WYETH
L-3974-04	DAVIS VS WYETH
L-3978-04	GAUGER VS WYETH
L-3980-04	GIVENS VS WYETH
L-3983-04	GRAHAM VS WYETH
L-3985-04	GRANTHAM VS WYETH
L-3988-04	GRAVES VS WYETH
L-3991-04	GREEN-COSSEY VS WYETH
L-3994-04	GRETEMAN VS WYETH
L-3996-04	HARMAN VS WYETH
L-4001-04	COLEMAN VS WYETH
L-4002-04	COLLINS-PRINTERS VS WYETH
L-4003-04	CORY VS WYETH
L-4004-04	HANKS VS WYETH
L-4005-04	HANSMEYER VS WYETH
L-4007-04	HART VS WYETH
L-4009-04	HASTINGS GLOVER VS WYETH
L-4011-04	HURLEY VS WYETH
L-4012-04	JOHNSON VS WYETH
L-4013-04	TILLY VS WYETH
L-4016-04	ALLEN VS WYETH
L-4019-04	ANDERSON VS WYETH
L-4021-04	ASHLEY VS WYETH
L-4022-04	BRIGAGLIANO VS WYETH
L-4026-04	FUSCO VS WYETH
L-4027-04	GRAHAM VS WYETH

L-4029-04	CHIPMAN VS WYETH
L-4030-04	RABINOWITZ VS WYETH
L-4031-04	CHOATE VS WYETH
L-4032-04	VAN HEMERT VS WYETH
L-4034-04	CIESLAK VS WYETH
L-4036-04	WILEY VS WYETH
L-4037-04	CEASER VS WYETH
L-4038-04	CLARK VS WYETH
L-4039-04	COLBERT VS WYETH
L-4040-04	WILLIAMS VS WYETH
L-4041-04	CLARK VS WYETH
L-4042-04	COX VS WEYTH
L-4043-04	DUTTON-KIRKLAND VS WYETH
L-4045-04	GYIMAH VS WYETH
L-4046-04	DELK VS WYETH
L-4047-04	JONES VS WYETH
L-4048-04	KENNEDY VS WYETH
L-4051-04	EARP-BARTLET VS WYETH
L-4052-04	ADAMS VS WYETH
L-4053-04	HENDERSON VS WYETH
L-4055-04	BARTON VS WYETH
L-4056-04	BUA VS WYETH
L-4057-04	TISDALE VS WYETH
L-4058-04	CATALDO VS WYETH
L-4059-04	TOOLE-SCALLORN VS WYETH
L-4060-04	COCHRAN VS WYETH
L-4061-04	HAFFNER VS WYETH
L-4062-04	WRIGHT VS WYETH
L-4063-04	RAIA VS WYETH
L-4064-04	WHITLEY VS WYETH
L-4065-04	REESE VS WYETH
L-4067-04	ZIRKLE VS WYETH
L-4068-04	FARRELL VS WYETH
L-4069-04	WHITTAKER VS WYETH
L-4071-04	ARCHER VS WYETH
L-4072-04	AUTORINO VS WYETH
L-4073-04	CHRISTY VS WYETH
L-4083-04	CLIFT VS WYETH
L-4087-04	CHERRY VS WYETH
L-4089-04	RHODES VS WYETH
L-4093-04	WADDELL VS WYETH



L-4096-04	WALLER VS WYETH
L-4100-04	WHEELER VS WYETH
L-4104-04	WILLIS VS WYETH
L-4161-04	HANNABASS VS WYEHT
L-4163-04	HIBDON VS WYETH
L-4164-04	JONES VS WYETH
L-4165-04	KOGER VS WYETH
L-4166-04	LAVELLE VS WYETH
L-4167-04	LEHR VS WYETH
L-4168-04	LISLE VS WYETH
L-4169-04	LOWRY VS WYETH
L-4170-04	MARLIN VS WYETH
L-4171-04	CANNADAY VS WYETH
L-4172-04	MCADAMS VS WYETH
L-4173-04	CHARBONEAU VS WYETH
L-4183-04	CHASTAIN VS WYETH
L-4185-04	CHERRY VS WYETH
L-4186-04	DUTTON-CARDENAS VS WYETH
L-4188-04	HERRERA VS WYETH
L-4189-04	RINEHART VS WYETH
L-4190-04	RIGGLE VS WYETH
L-4192-04	ROBINSON VS WYETH
L-4193-04	HUFF VS WYETH
L-4195-04	THIELE VS WYETH
L-4196-04	ECKMANN VS WYETH
L-4197-04	HOLBROOK VS WYETH
L-4198-04	TURNER VS WYETH
L-4199-04	WRIGHT VS WYETH
L-4200-04	HOGUE VS WYETH
L-4202-04	MILTON VS WYETH
L-4204-04	FEARN VS WYETH
L-4206-04	MITCHELL VS WYETH
L-4207-04	CROSS VS WYETH
L-4209-04	FRIEND VS WYETH
L-4211-04	BEVIL VS WYETH
L-4212-04	FROST VS WYETH
L-4213-04	BIGNELL VS WYETH
L-4214-04	CRUZAN VS WYETH
L-4215-04	BILLINGS VS WYETH
L-4216-04	BLACKWELL VS WYETH
L-4217-04	DAVIS VS WYETH

L-4218-04	BRANNON VS WYETH
L-4219-04	DEAN VS WYETH
L-4220-04	BRENNEIS VS WYETH
L-4221-04	GARNER VS WYETH
L-4222-04	DEATON VS WYETH
L-4223-04	BROWN VS WYETH
L-4224-04	GONZALEZ VS WYETH
L-4225-04	DEES VS WYETH
L-4226-04	BURNS VS WYETH
L-4227-04	GOOCH VS WYETH
L-4228-04	JOHNSON VS WYETH
L-4229-04	GOZA VS WYETH
L-4230-04	STINSON VS WYETH
L-4231-04	DUNCAN VS WYETH
L-4233-04	HAMILTON VS WYETH
L-4234-04	BLUITT VS WYETH
L-4235-04	RIDDLE VS WYETH
L-4237-04	DANSBY VS WYETH
L-4238-04	DUNHAM VS WYETH
L-4239-04	GALLANT VS WYETH
L-4240-04	HAHN VS WYETH
L-4242-04	GIBSON VS WYETH
L-4243-04	ROLAN VS WYETH
L-4244-04	GRIMSLEY VS WYETH
L-4246-04	HUNT VS WYETH
L-4248-04	HAYS VS WYETH
L-4250-04	BAKER VS WYETH
L-4251-04	JAY VS WYETH
L-4252-04	RYCROFT VS WYETH
L-4253-04	BARRETT VS WYETH
L-4255-04	KRAFT VS WYETH
L-4257-04	BEAL VS WYETH
L-4258-04	MCLAURIN VS WYETH
L-4259-04	ROBERTS VS WYETH
L-4260-04	SHADID VS WYETH
L-4261-04	BURKE VS WYETH
L-4263-04	ANDERSON VS WYETH
L-4264-04	CHEESMAN VS WYETH
L-4265-04	GRAHAM VS WYETH
L-4267-04	GRAY VS WYETH
L-4268-04	GRIDER VS WYETH

L-4269-04	CLOWDUS VS WYETH
L-4270-04	CASEY VS WYETH
L-4271-04	GREER-HERNANDEZ VS WYETH
L-4272-04	HEBERT VS WYETH
L-4273-04	CHAMBERS VS WYETH
L-4274-04	CREEK VS WYETH
L-4275-04	EVANS VS WYETH
L-4276-04	MILBURN VS WYETH
L-4277-04	DAUGHERTY VS WYETH
L-4278-04	ACARINO VS WYETH
L-4279-04	MOTT VS WYETH
L-4280-04	DEEDS VS WYETH
L-4281-04	BALSOM VS WYETH
L-4282-04	CAMPBELL VS WYETH
L-4283-04	DUNLAP VS WYETH
L-4284-04	NICHOLS VS WYETH
L-4285-04	FONTANA VS WYETH
L-4286-04	HAFFER VS WYETH
L-4287-04	ORR VS WYETH
L-4288-04	FLORES-TAYLOR VS WYETH
L-4289-04	HALL VS WYETH
L-4290-04	HAY VS WYETH
L-4291-04	HAYWARD VS WYETH
L-4292-04	SAMPLES VS WYETH
L-4293-04	HARRISON VS WYETH
L-4294-04	KADIVAR VS WYETH
L-4295-04	OSTERBERG-DABBLACK VS WYETH
L-4297-04	HANCOCK VS WYETH
L-4298-04	WOFFORD VS WYETH
L-4299-04	SHERWOOD VS WYETH
L-4302-04	TAYLOR VS WYETH
L-4308-04	MCCAMPBELL VS WYETH
L-4309-04	ARNEY VS WYETH
L-4310-04	BARNES VS WYETH
L-4311-04	MCKENZIE VS WYETH
L-4312-04	MEYERS VS WYETH
L-4313-04	ASHCRAFT VS WYETH
L-4314-04	MOORE VS WYETH
L-4315-04	BARNETT VS WYETH
L-4316-04	MORROW VS WYETH
L-4317-04	MULLINS VS WYETH

L-4318-04	BLACKWELL VS WYETH
L-4319-04	MYERS VS WYETH
L-4320-04	BRANTON VS WYETH
L-4321-04	NEELD VS WYETH
L-4322-04	BRATCHER VS WYETH
L-4323-04	DALE VS WYETH
L-4324-04	MARSHALL VS WYETH
L-4325-04	MORSE-COLLINS VS WYETH
L-4326-04	WOOTEN VS WYETH
L-4328-04	NICHOLSON VS WYETH
L-4331-04	OLIVER VS WYETH
L-4333-04	COOK VS WYETH
L-4334-04	PEACE VS WYETH
L-4335-04	DICINTIO VS WYETH
L-4339-04	BENVENUTO VS WYETH
L-4340-04	BEGGS VS WYETH
L-4341-04	SCRUGGS VS WYETH
L-4343-04	BROADDUS VS WYETH
L-4344-04	SECHRIST VS WYETH
L-4345-04	SMITH VS WYETH
L-4347-04	BROWN VS WYETH
L-4349-04	SPOONMORE VS WYETH
L-4351-04	BURGER VS WYETH
L-4352-04	STARKS VS WYETH
L-4353-04	STRAUB VS WYETH
L-4354-04	CARTER VS WYETH
L-4356-04	STUPKA VS WYETH
L-4357-04	CARTER VS WYETH
L-4360-04	SUTTLES VS WYETH
L-4361-04	CLAYTON VS WYETH
L-4362-04	TERRY VS WYETH
L-4365-04	TRUE VS WYETH
L-4367-04	PERRY VS WYETH
L-4368-04	TRENT VS WYETH
L-4370-04	REESE VS WYETH
L-4371-04	DONNELLY VS WYETH
L-4372-04	RICHARDSON VS WYETH
L-4374-04	HILL VS WYETH
L-4376-04	HOGUE VS WYETH
L-4377-04	HORNING VS WYETH
L-4379-04	JOHNSON VS WYETH

L-4380-04	SPARKS VS WYETH
L-4382-04	SPRINGER VS WYETH
L-4383-04	STINER-LEFLETT VS WYETH
L-4384-04	BLEVINS VS WYETH
L-4385-04	AHDOKOBO VS WYETH
L-4386-04	HERVEY VS WYETH
L-4387-04	ARMSTRONG VS WYETH
L-4388-04	BARBER VS WYETH
L-4389-04	HILL VS WYETH
L-4390-04	LEWIS VS WYETH
L-4391-04	LONG VS WYETH
L-4393-04	BARNET VS WYETH
L-4394-04	BURKE VS WYETH
L-4395-04	BARRETT VS WYETH
L-4397-04	CAPLAN VS WYETH
L-4398-04	BEACH VS WYETH
L-4400-04	CASELLA VS WYETH
L-4401-04	BLANKENSHIP VS WYETH
L-4402-04	CLEM VS WYETH
L-4403-04	DRISKELL VS WYETH
L-4404-04	ROGERS VS WYETH
L-4405-04	RUCKS VS WYETH
L-4408-04	SALLEY VS WYETH
L-4409-04	SANDERS VS WYETH
L-4411-04	SCHOONOVER VS WYETH
L-4412-04	SCHAEFER VS WYETH
L-4416-04	HOPSON VS WYETH
L-4418-04	HUNT VS WYETH
L-4419-04	HUNT VS WYETH
L-4421-04	JACKSON VS WYETH
L-4422-04	JOHNSON VS WYETH
L-4424-04	JOHNSON VS WYETH
L-4425-04	MARVEL VS WYETH
L-4426-04	MILLER VS WYETH
L-4428-04	MYERS VS WYETH
L-4429-04	BOTTERO VS WYETH
L-4430-04	NOREUIL VS WYETH
L-4432-04	BOWLIN VS WYETH
L-4434-04	TUTTLE VS WYETH
L-4437-04	MANNING VS WYETH
L-4438-04	MAYER VS WYETH

L-4440-04	MCALISTER VS WYETH
L-4441-04	FLIES VS WYETH
L-4442-04	MEYERS VS WYETH
L-4443-04	COLEMAN VS WYETH
L-4444-04	GAREN VS WYETH
L-4445-04	MOORE VS WYETH
L-4446-04	DAVIS VS WYETH
L-4447-04	GEORGE VS WYETH
L-4448-04	DILL VS WYETH
L-4449-04	DUNSWORTH VS WYETH
L-4450-04	HERNANDEZ VS WYETH
L-4451-04	AMSTER VS WYETH
L-4452-04	JOLLY VS WYETH
L-4453-04	JASIM VS WYETH
L-4454-04	KING VS WYETH
L-4455-04	BAKER VS WYETH
L-4457-04	FRISBY VS WYETH
L-4459-04	BROWNLIE VS WYETH
L-4461-04	KNOWLES VS WYETH
L-4462-04	GUGLIELMI VS WYETH
L-4463-04	KRASSER VS WYETH
L-4465-04	HAWORTH VS WYETH
L-4466-04	BREWER VS WYETH
L-4467-04	HINEX VS WYETH
L-4468-04	LONDON VS WYETH
L-4469-04	MALONEY VS WYETH
L-4470-04	HINTON VS WYETH
L-4471-04	HOANG VS WYETH
L-4472-04	FLETCHER VS WYETH
L-4473-04	GILES VS WYETH
L-4474-04	JACKSON VS WYETH
L-4475-04	MADER VS WYETH
L-4476-04	JENKINS VS WYETH
L-4477-04	HAIGES VS WYETH
L-4478-04	JOHNSON VS WYETH
L-4480-04	HENSON VS WYETH
L-4481-04	JOHNSON VS WYETH
L-4483-04	MEANS VS WYETH
L-4484-04	LABRUE VS WYETH
L-4485-04	LABRUE VS WYETH
L-4489-04	LANE VS WYETH

L-4490-04	KASPER VS WYETH
L-4494-04	MANN VS WYETH
L-4495-04	MELHISER VS WYETH
L-4500-04	PEARSON VS WYETH
L-4503-04	LARAMY VS WYETH
L-4505-04	MORRIS VS WYETH
L-4506-04	CUPIT VS WYETH
L-4507-04	LAWSON VS WYETH
L-4510-04	LAY VS WYETH
L-4513-04	LAYTON-UNDERWOOD VS WYETH
L-4514-04	HANLEY VS WYETH
L-4515-04	ALLEY VS WYETH
L-4517-04	MACKEY VS WYETH
L-4518-04	MURROW VS WYETH
L-4519-04	BLACKBURN VS WYETH
L-4520-04	MALLOW VS WYETH
L-4521-04	KAYE VS WYETH
L-4527-04	SHAW VS WYETH
L-4528-04	MCCURRY VS WYETH
L-4529-04	PRICE VS WYETH
L-4531-04	KENNEDY VS WYETH
L-4532-04	MCDOWELL VS WYETH
L-4533-04	SIX-TATE VS WYETH
L-4534-04	QUEEN VS WYETH
L-4535-04	MCFADDEN VS WYETH
L-4537-04	SMITH VS WYETH
L-4538-04	MCKINNEY VS WYETH
L-4539-04	RAMSEY VS WYETH
L-4541-04	KLUGE VS WYETH
L-4543-04	SPERLING VS WYETH
L-4544-04	STERNADEL VS WYETH
L-4546-04	REAVIS VS WYETH
L-4549-04	TAYLOR VS WYETH
L-4551-04	LEWIS VS WYETH
L-4554-04	THOMPSON VS WYETH
L-4557-04	YORK VS WYETH
L-4559-04	MANNING VS WYETH
L-4568-04	CROOM VS WYETH
L-4570-04	BREWER VS WYETH
L-4571-04	DURHAM VS WYETH
L-4573-04	DYER VS WYETH

L-4576-04	EDDY-EWING VS WYETH
L-4577-04	ENGLAND VS WYETH
L-4578-04	BOWMAN VS WYETH
L-4579-04	CALDWELL VS WYETH
L-4580-04	ENGLAND VS WYETH
L-4581-04	CASE VS WYETH
L-4582-04	ENOCHS VS WYETH
L-4583-04	CIESLAK VS WYETH
L-4584-04	CROSS VS WYETH
L-4585-04	SALTZMAN VS WYETH
L-4586-04	SCARBERRY VS WYETH
L-4587-04	EDWARDS VS WYETH
L-4588-04	SAGRESTANO VS WYETH
L-4589-04	SHELLY VS WYETH
L-4590-04	WELLS VS WYETH
L-4591-04	SMITH VS WYETH
L-4592-04	SMITH VS WYETH
L-4681-04	FEIGHTNER VS WYETH
L-4682-04	FERGUSON VS WYETH
L-4683-04	FOWLER VS WYETH
L-4685-04	FRY VS WYETH
L-4696-04	FUHRIG VS WYETH
L-4698-04	GANNAWAY VS WYETH
L-4699-04	GARDNER VS WYETH
L-4700-04	GRAHAM VS WYETH
L-4701-04	WOODY VS WYETH
L-4702-04	YEARGAN VS WYETH
L-4703-04	CUCCIA VS WYETH
L-4704-04	HOWAR VS WYETH
L-4705-04	JONES VS WYETH
L-4706-04	GAMMERMAN VS WYETH
L-4707-04	LEIGHTON-JOSEPH VS WYETH
L-4708-04	MCFARLAND-CATINO VS WYETH
L-4709-04	MCNAMARA VS WYETH
L-4710-04	ORNSTEIN VS WYETH
L-4711-04	PADRONE-WILLIS VS WYETH
L-4712-04	STEFANICH VS WYETH
L-4716-04	NELSON VS WYETH
L-4719-04	OSBURN VS WYETH
L-4724-04	BARNARD VS WYETH
L-4725-04	REEDS VS WYETH



L-4726-04	BRYCE VS WYETH
L-4727-04	SWIGART VS WYETH
L-4730-04	MARTIN VS WYETH
L-4731-04	ARP VS WYETH
L-4732-04	BUNCH VS WYETH
L-4733-04	MCINTYRE VS WYETH
L-4734-04	RUSSELL VS WYETH
L-4735-04	BAILEY VS WYETH
L-4736-04	DARROW VS WYETH
L-4738-04	SANDERS VS WYETH
L-4739-04	GARRETT VS WYETH
L-4740-04	VINSON VS WYETH
L-4741-04	BROWN VS WYETH
L-4742-04	SETOODEHNIA VS WYETH
L-4745-04	GARRETT VS WYETH
L-4746-04	DAUGHERTY VS WYETH
L-4747-04	WADKINS VS WYETH
L-4748-04	SHIPLEY VS WYETH
L-4749-04	GARRIOTT VS WYETH
L-4751-04	STRAKA VS WYETH
L-4753-04	PHILPOT VS WYETH
L-4754-04	STILL VS WYETH
L-4755-04	POWELL VS WYETH
L-4756-04	WALLACE VS WYETH
L-4757-04	HASAN VS WYETH
L-4758-04	YOUNG VS WYETH
L-4759-04	ROBERTS VS WYETH
L-4761-04	ROBBINS VS WYETH
L-4762-04	WALLACE VS WYETH
L-4763-04	TALIAFERRO VS WYETH
L-4764-04	SMALL VS WYETH
L-4765-04	WHITSON VS WYETH
L-4766-04	WALLACE VS WYETH
L-4767-04	WALLACE VS WYETH
L-4768-04	WILLIAMS VS WYETH
L-4769-04	WRIGHT VS WYETH
L-4771-04	ASHLOCK VS WYETH
L-4772-04	HENRY VS WYETH
L-4774-04	HESS VS WYETH
L-4775-04	TABOR VS WYETH
L-4776-04	HINESLEY VS WYETH

L-4778-04	TARVER VS WYETH
L-4779-04	MARCH VS WYETH
L-4781-04	FLORES VS WYETH
L-4782-04	THOMPSON VS WYETH
L-4783-04	MASINGALE VS WYETH
L-4785-04	TINSLEY VS WYETH
L-4787-04	MILLER-GLENN VS WYETH
L-4788-04	MITCHELL VS WYETH
L-4789-04	VANDRUFF VS WYETH
L-4790-04	GUINTA VS WYETH
L-4791-04	MITCHELL VS WYETH
L-4793-04	WARRIOR VS WYETH
L-4794-04	MONTGOMERY VS WYETH
L-4795-04	WILLIAMSON VS WYETH
L-4796-04	MUNDELL VS WYETH
L-4797-04	HESEL VS WYETH
L-4798-04	WILLIS VS WYETH
L-4799-04	HOLLIS VS WYETH
L-4800-04	WINNARD VS WYETH
L-4801-04	JOHNSON VS WYETH
L-4802-04	KINGFISHER VS WYETH
L-4804-04	KNIGHT VS WYETH
L-4806-04	LONG VS WYETH
L-4807-04	MINGUS VS WYETH
L-4808-04	PATCHIN VS WYETH
L-4812-04	BLACKBURN VS WYETH
L-4813-04	CARROLL VS WYETH
L-4814-04	LOPEZ VS WYETH
L-4816-04	HESS VS WYETH
L-4817-04	COUGHLIN VS WYETH
L-4818-04	MAGUIRE VS WYETH
L-4819-04	MERRICK VS WYETH
L-4820-04	MCCRAW VS WYETH
L-4821-04	TARVER VS WYETH
L-4822-04	MOULDER VS WYETH
L-4823-04	TAYLOR VS WYETH
L-4824-04	MCLAIN VS WYETH
L-4825-04	NEELY VS WYETH
L-4826-04	MCLENDON-WILLIAMSON VS WYETH
L-4827-04	RAMSFIELD VS WYETH
L-4829-04	SHETLEY VS WYETH

L-4831-04	SINOR VS WYETH
L-4832-04	RAYMON VS WYETH
L-4833-04	RICE VS WYETH
L-4834-04	SMITH VS WYETH
L-4836-04	SPERRY VS WYETH
L-4837-04	RICKETTS-HOPKINS VS WYETH
L-4839-04	STEPP VS WYETH
L-4840-04	WOLFE VS WYETH
L-4843-04	WONSCH VS WYETH
L-4844-04	WOODY VS WYETH
L-4846-04	WADLOW VS WYETH
L-4849-04	WALKER VS WYETH
L-4852-04	WALL VS WYETH
L-4853-04	EDDY VS WYETH
L-4854-04	WILSON VS WYETH
L-4855-04	KECK VS WYETH
L-4857-04	PRIBBLE VS WYETH
L-4858-04	ROSS VS WYETH
L-4860-04	SWIFT VS WYETH
L-4861-04	WALLACE VS WYETH
L-4862-04	WALLACE VS WYETH
L-4876-04	WASHINGTON VS WYETH
L-4877-04	WEHR VS WYETH
L-4879-04	WELLS VS WYETH